AJAHN BRAHMAVAMSO'S

VINAYA NOTES

VOLUME 1

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PREFACE

Ajahn Brahmavamso's Vinaya Notes were largely written in the late 1970's and early 1980's. The work began at Wat Pa Nanachat in response to the absence of a Vinaya commentary in English to support the monastic practice of the fledgling Western Sangha established there under the guidance of Ajahn Chah. When Ajahn Brahm came to Australia in 1983, the process of building a new monastery took priority and opportunities to pursue the Vinaya studies diminished.

Over a few years in the mid 1980's Ajahn Brahm collaborated with Ajahn Thanissaro with the aim of formalising a Vinaya commentary for the expanding Western Sangha. However, as differences of interpretation emerged, the collaboration became less viable. Some correspondence between these notes and Ajahn Thanissaro's *Buddhist Monastic Code* attest to this period of shared research.

Interpretation of the Vinaya in the context of a living monastic community is a dynamic process, in much the same way as the Vinaya first emerged, with the Buddha responding to concrete day-to-day situations as they arose. Similarly, there may be readings of particular rules in the Vinaya Notes that no longer reflect Ajahn Brahm's current view.

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PĀRĀJIKA 1

The Story

On one occasion, the Buddha taught Dhamma to a large gathering of people at Vesālī. Soon after the crowd had dispersed, gladdened and delighted by the discourse, the young man Sudinna, the son of the rich merchant of Kalanda Village, approached the Buddha and asked to join the order of monks. He was told that only those with their parents' consent could be ordained and so Sudinna returned home to ask his parents for their consent.

His parents refused. They made it plain that they could never allow their only child to leave them. Sudinna quickly realized that further pleading would be useless and so there and then he lay down on the ground telling his parents, "If you don't let me ordain, I will die right here!"

For several days Sudinna lay there, not eating, hearing his parents' desperate entreaties:

> "Dear Sudinna, our only child, precious and beloved… Your death would leave us desolate and in utter despair… Please get up dear son, eat and drink and enjoy yourself… Amuse yourself with the pleasures of youth and when you wish you can do meritorious deeds as well…"

The parents called in Sudinna's friends to try to bring their son back to his senses but throughout, their son remained unmoved, resolute in his aim. The parents were left with no choice; rather than have their son die they gave their consent for him to ordain.

After his ordination, Sudinna went far away from his parents to the land of the Vajjī where he diligently practised the duties of a bhikkhu, also observing some of the *dhutaṅga* austerities. Some time later, when there came to be a great famine in the land of the Vajjī. Sudinna decided to return to his home village of Kalanda and looked to his family for his basic needs.

His parents were overjoyed to see their son return after such a long time and immediately they connived to lure him back into lay life. They invited him to take his one meal of the day in their house the next day but they prepared more than food for their son, Sudinna. They massed their wealth into huge heaps of gold and had Sudinna's ex-wife clothed in the gown, jewellery and perfumes which were once irresistibly alluring to her husband and stood her between the gold. They offered the meal to Sudinna and then led him to the piles of gold with his ex-wife displaying her charms in the midst and offered *that* to him!

Sudinna responded by saying to his father, whom he addressed as ‘householder’, that he would do rather better by placing the gold in hempen sacks and sinking the lot in the middle of the Ganges! Then turning to his bedazzling ex-wife he disdainfully called her ‘sister’ at the shock of which she fainted away. His mother though was more cunning: “At least beget us an heir, a grandchild”, she entreated, “so that our property will not be lost with our death”. The stubborn old woman pleaded with Sudinna over and over until he finally yielded; and he agreed to produce an offspring. Thus a few days later, in a secluded forest, the bhikkhu Sudinna had sexual intercourse with a woman, his ex-wife.

Sudinna soon became prey to guilt and remorse – ‘he became haggard, wretched, of bad colour, yellowish, the veins showing all over his body, melancholy, of sluggish mind, depressed, repentant, weighed down with grief’. His fellow bhikkhus noticed something was bothering him. Thus it was that Ven. Sudinna confessed his misdeed to the bhikkhus and thereafter to the Buddha.

The Buddha chided Ven. Sudinna saying that it would have been better for Sudinna if he had his penis enter the mouth of a venomous black snake or a red-hot pit of charcoal because even though that would be excruciatingly painful, even causing an agonizing death, that would be as nothing to the *kammic* result of rebirth into the hell-realms awaiting the bhikkhu who willingly had his penis enter a woman. It was then that the Buddha laid down the first training rule.

Rule – Translation

Should any monk – participating in the training and livelihood of the monks, without having renounced the training, without having declared his weakness – engage in the sexual act, even with a female animal, he is defeated and no longer in communion.

Rule – Synopsis

Sexual intercourse – genital, anal or oral – with any being is a pārājika.

Explanation

When a bhikkhu who desires sexual intercourse has his penis enter the genital, anal or oral opening of a human being or an animal, male or female, dead or alive, penetrating to a depth equal to the length of a sesame seed or greater, then that bhikkhu commits a *pārājika*. Also, when a bhikkhu willingly disposes himself to receive anal or oral sexual intercourse from a male human being or animal, then on penetration to the depth already mentioned, that bhikkhu commits a *pārājika*. Whether or not there is a covering, such as a condom for example, between the organs involved, is irrelevant to the offence. The Vibhaṅga goes on to mention a class of supernatural beings – *yakkhas*, *nāgas* and *petas* – who could temporarily adopt a human form; sexual intercourse in any of the above mentioned ways with any one of these beings of either gender is also a *pārājika*.

When a bhikkhu is being sexually assaulted and he cooperates by deliberately making even a small physical effort to help accomplish the sexual intercourse then, when penetration to the depth mentioned above is made, that bhikkhu commits a *pārājika* just the same. But when either mental assent is absent *or* when that bhikkhu makes absolutely no physical effort to cooperate, then there is no offence at all for him. For example:

- A bhikkhu is sexually assaulted without his knowledge while asleep, drugged or delirious = no offence.
- A bhikkhu is forced to submit to sexual intercourse and puts up a struggle to escape to no avail = no offence.
- A bhikkhu is compelled to participate in sexual intercourse, he is unwilling throughout but puts up no struggle through fear of further physical violence = no offence.

The offence of *thullaccaya* associated with this rule occurs in the Vibhaṅga only for the unlikely case of sexual intercourse by way of the decomposed genital, anal or oral orifice of a corpse! However, there are associated offences of *thullaccaya*, *saṅghādisesa* and *dukkata* for unsuccessful attempts at sexual intercourse arising from the second *saṅghādisesa*; should a bhikkhu desiring sexual intercourse, and thereby being aroused with lust, come into physical contact alone he incurs an offence of *Thullaccaya* when his partner is a homosexual (the most common type of *paṇḍaka* – see *saṅghādisesa* 2 below) or a female supernatural being (*yakkha* etc.); an offence of *saṅghādisesa* when the partner is a woman or a girl; and an offence of *dukkata* when the partner is a non-homosexual man or boy, an animal of any gender or a male supernatural being. There may also be an offence of *saṅghādisesa* for intentional emission of semen (*saṅghādisesa* 1) when this is achieved outside the genital, anal or oral orifices of the beings mentioned above; for example, there would probably be such a *saṅghādisesa* for sexual intercourse with a mannequin. In the Vinītavatthu, sexual intercourse with a mannequin is a *dukkata* for the penetration; but if semen is subsequently emitted, the offence would probably be the *saṅghādisesa*.

One who has disrobed and has the status of a layperson is no longer subject to the Vinaya. Thus at this point in the Vinayapiṭaka the correct method of disrobing is defined, namely: possessing the intention to disrobe, one makes it known to another person that one is hereby discarding the status of bhikkhu and becoming a layman. The actual words chosen are unimportant provided the meaning is the same, though the use of the present tense in one's declaration is necessary; saying that one *will* disrobe in not enough. The person who is told may be a monastic or a layperson. It is essential only that the person who is told correctly understands the meaning of one's words. If one says that one is disrobing, not meaning to be taken literally, such as in a joke, then one has not disrobed.

Lastly, we include an interesting case from the Vinītavatthu about a bhikkhu who took a midday nap without closing the door of his abode:

> At that time a certain bhikkhu had gone to the Gabled Hall in the Great Wood outside of Vesālī to pass the day and was sleeping having left the door open. His limbs were stiff with the wind 'forces' (in his body). Now at that time a large company of women bearing garlands and scents came to the park heading for the *vihāra*. Seeing the bhikkhu they had sexual intercourse with him and having taken

their pleasure, and commenting, "What a bull of a man!" they went on their way, taking up their garlands and scents.

That bhikkhu incurred no offence because he was insensible throughout, but the Buddha instructed the bhikkhus henceforth to close the door when resting during the day.

PĀRĀJIKA 2

The Story

On one occasion, the Buddha was staying on the Vulture's Peak at Rājagaha, Ven. Dhaniya the 'Potter's Son' was residing in a simple grass hut that he had built on a nearby mountain slope. One morning during the hot season, while Ven. Dhaniya was in the village on alms round, some women came to the mountain slope collecting firewood. Seeing the vacant grass hut they thought it abandoned and so they knocked it down and carried off the sticks for firewood. Ven. Dhaniya built a new grass hut but then the women came again when he was away and destroyed that too. A third time he erected a grass hut and a third time it was dismantled and carried off by the women while he was on alms round. Fed up with building grass huts only to see them demolished soon after Ven. Dhaniya decided to employ his former skill as a potter. He collected and baked mud himself to construct a pretty, red-coloured, little mud hut, 'just like a small ladybird'. A short time later the Buddha happened to pass by and seeing the mud hut he severely criticized Ven. Dhaniya for his lack of compassion, because in baking the mud many small creatures must have perished. The Buddha told the bhikkhus accompanying him to demolish the mud hut and then he laid down a rule prohibiting bhikkhus from building a hut purely of mud.[1]

The frustrated Ven. Dhaniya decided to build himself a wooden hut and, unable to obtain timber elsewhere, he went into the city to the wood yard to ask for timber. At first, the overseer of the wood yard refused to give any wood to the bhikkhu for he was under orders from the King to keep this wood for times of emergency. But when Ven. Dhaniya assured him that the King himself had said that he could take some of this wood, the overseer gave it to him. Ven. Dhaniya carried off the timber and made a new hut.

Not long after, the Chief Minister of Māgadha visited the wood yard on a tour of inspection and finding much wood missing questioned the overseer. The overseer told the Chief Minister that he had given the missing timber to a bhikkhu on the King's instructions. When the Chief Minister discovered that the King had given no such instructions he immediately had the overseer arrested. The poor overseer was dragged to the Palace in fetters and chains when Ven. Dhaniya happened to see him.

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[1] To build such a hut is an offence of *dukkata* and, according to the Samantapāsādikā, staying in such a hut, even one built by a layperson is also an offence of *dukkata*. However, if the mud is mixed with grass there is said to be no offence.

Feeling responsible for the overseer's misfortune, Ven. Dhaniya went to the Palace as well to explain the affair to the King.

On being questioned, Ven. Dhaniya reminded the King that during the coronation ceremony the monarch had declared, "Let the recluses and Brahmins enjoy our gift of grass, wood and water", and thus had the King given him the wood. The King was incensed! The crafty bhikkhu was using the King's ceremonial statement as a mere pretext, as the common understanding was that it referred only to the grass, wood and water in the jungle without an owner, not to the wood in the King's own yard! Even though King Seniya Bimbisāra was enraged he would not have a bhikkhu punished so he released him saying, "You are free only on account of your shaven head." When this affair became circulated around Rājagaha, the people became annoyed and upset. They said, "These disciples of Gotama are shameless, of bad conduct and they are liars. If they will cheat the King, how much more so ordinary folk." Hearing of the people's criticism the Buddha summoned Ven. Dhaniya, reprimanded him severely and then laid down a rule.

Rule – Translation

Should any monk, in the manner of stealing, take what is not given from an inhabited area or from the wilderness – just as when there is the taking of what is not given, kings having arrested the criminal would flog, imprison or banish him saying, "You are a robber, you are a fool, you are benighted, you are a thief" – a monk in the same manner taking what is not given is defeated and no longer in communion.

Rule – Synopsis

Stealing something of value is a pārājika.

Explanation

This rule us best explained by considering the offence of *pārājika* for stealing in terms of three factors, each of which need to be fulfilled for the transgression to be a *pārājika*. The three factors are:

a) *The Intention* – to steal.
b) *The Object* – it is something of value.
c) *The Act* – one takes possession of it.

Now we will carefully explain each factor in turn.

(A) The Intention to Steal

For this factor to be completed:

1. The object must be the possession of another.
2. The thief regards the object as belonging to another.

3. There arises the idea to take it by theft.

For example, there is no offence in taking something which has been thrown away by its owner, or in taking from unclaimed jungle, or in taking from animals (animals are considered by the Vinaya to have no right of possession) because factor 1 is lacking, the objects are *not* the possession of another.

Taking somebody else's belongings mistaking them for one's own, or wrongly thinking that they have been discarded, or taking from communal supplies sincerely believing, albeit mistakenly, that one may help oneself are each no offence because factor 2 is not fulfilled, one did *not* regard the object as belonging to another.

Taking temporarily (borrowing), or taking an object in order to look after it aiming to return it later, or taking an item 'on trust' (see this case discussed below), or picking up a valuable misplaced in a monastery or in a house for safekeeping (see *pācittiya* 4) again are each no offence because factor 3 is lacking, the intention is not to take by theft.

(B) The Object is of Value

Whatever the value of the object stolen the bhikkhu commits an offence. The factor of value determines only the severity of the offence, whether it is a pārājika, thullaccaya or dukkata.

At the end of every ordination ceremony each bhikkhu is sternly warned of "The Four Things Never to Be Done", the second of which states, "…one should never take by theft what has not been given, even if it is only a blade of grass[2]". Thus even the offence of *dukkata* must be avoided scrupulously and a bhikkhu must learn to cut off all thoughts of stealing no matter what the value of the object!

In the time of the Buddha, to be an offence of *pārājika*, the article stolen was such that the thief would have been flogged, imprisoned or banished by the authorities, were he a layman. At that time in Māgadha punishments as severe as these would be meted out for stealing an item worth one *pāda* (a currency of that time) or more. One infers that for stealing an item of lesser worth, a lesser penalty such as a fine would have been imposed. Because of this, the Vibhaṅga uses the value of the article stolen – i.e. its estimated worth (in *pāda*) at the time of the theft – to determine which offence is incurred:

- Stealing something worth one *pāda* or more is a *pārājika.*
- Stealing something worth one fifth of a *pāda* or more, but less than one *pāda* is a *thullaccaya.*
- Stealing something worth less than one fifth of a *pāda* is a *dukkata.*

Two thousand five hundred years later, it is difficult to establish beyond reasonable doubt the worth of the Māghadese *pāda*, in terms of currency it changes with the years and even 1500 years ago the Samantapāsādikā warned us, quoting from an even

[2] Stealing a blade of grass – an idiom for a thing of little value – would be a *dukkata.*

earlier *aṭṭhakathā*, that '… you should know that the *kahāpaṇa* (4 *pāda*) of olden times is not the same as the present day *kahāpaṇa* of King Rudra[3] and other kings'.

Thus there is no logical basis for the view held in some Thai monasteries that the *pāda* of Māgadha is equivalent to the present day 'tant', being the Thai unit of currency etymologically derived from '*pāda*'.

Perceiving this difficulty, the ancient Vinaya sub-commentary called the Vimativinodanī Ṭīkā[4] bequeathed a method for calculating the worth of the Māghadese *pāda*. The sub-commentary explained that one *pāda* was worth 20 rice grains weight of gold. Thus stealing an item equal or greater in value to 20 rice grains weight of gold (1/24th ounce tray) by current market prices is a *pārājika*. The Burmese Theras and Vinayadharas of other countries use this method.

Other bhikkhus doubt the validity of this method; in particular, the value of gold has fluctuated so much over the past decades that they wonder if the value of 1/24th ounce tray of gold today accurately represents the worth of the same weight of gold twenty five centuries ago. Indeed, the computed worth of 1/24th ounce tray of gold today appears a bit high when compared with the present day value of items like a bolster, a pillow, a robe, a bowlful of rice, a mango or a handful of rice during a famine, the theft of each of which, according to the Vinītavatthu, resulted in a *pārājika*!

Some bhikkhus look to the original standard expressed in the translation of the rule itself, that if the theft would result in flogging, imprisonment or banishment by the authorities in that time at that place, then the theft is worthy of a *pārājika*. However, this standard also has problems. In most countries the sentence is largely at the discretion of the Judge or Magistrate and the factor of value is whether or not to 'flog, imprison or banish'; it would be impossible to determine the sentence merely on the value of the item stolen. Then just as the value of gold and currencies have changed significantly in recent years, so the severity of sentencing continues to fluctuate through political moods and social pressures. Also different countries vary greatly in the severity of punishments for similar acts; recently in Thailand a woman was jailed for stealing a jackfruit belonging to the government; in Australia the case would have never come to court; while in Saudi Arabia she would have been mutilated.

We prefer to employ the method advised by the sub-commentary, though imperfect, for the following reasons:

- Firstly, it is a method by which one can easily reckon a boundary between the different levels of offence in any modern currency.
- Secondly, it is supported by and ancient authoritative, internationally accepted sub-commentary.
- Thirdly, this is the traditional way this rule is interpreted in most Theravada countries.

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[3] King Rudra was a monarch of Western India around the second century A.D.

[4] The Samantapāsādikā demonstrates some humour when it states, in an example of stealing a valuable centipede, that stopping at the very last moment one incurs 99 offences of *thullaccaya*!

- Fourthly, it gives a high value for the least article the theft of which would result in a *pārājika*. Thus when a bhikkhu steals an item worth 1/24th ounce tray of gold or more *there can be no doubt* that the offence is a *pārājika*. When the item is of lesser value there will be inescapable doubt. When there is doubt concerning a *pārājika* both the Vinaya and commentaries consistently give the monk the benefit of that doubt – disrobing is not compelled for such a bhikkhu.

Other bhikkhus might object that the standard advised here removes a useful deterrent which discourages a bhikkhu from stealing even items of minor value. But severe penalties are rarely an effective deterrent; only a sense of honour, commitment and conscientiousness keep one within the rules one has freely chosen to live within. A serious bhikkhu, regarding his own welfare will keep in mind the Buddha's own words told him at his ordination, "Taking what is not given, even if only a blade of grass is *never* to be done".

(C) The Act – One Takes Possession of the Item

There are many ways in which a bhikkhu might take possession of something belonging to another, for example, 'snatch and run', burglary, to pickpocket, taking by stealth, fraud and embezzling, smuggling, tax evasion, cheating a person out of his property by a clever legal action, cheating in a free distribution of goods, stealing items entrusted to one's care, being an accomplice in a theft and according to the Samantapāsādikā deliberately destroying or damaging or depriving another of their property and then failing to pay adequate compensation when demanded, producing counterfeit goods or money or measures, extortion and exaction. When any of these, and similar, acts are preceded by the intention to steal as defined under 'A', and the object is of value as explained under 'B', then the offending bhikkhu commits a *pārājika*.

To define precisely the moment when an article becomes 'stolen', the Vibhaṅga classifies all objects as either movable or immovable. A movable object rests on what is called its 'bases'. Thus a box which lies flat on the ground is in contact with its support through a single area and thus has a single base, a chair touches its support at four places and thus has a four bases and a person standing has two bases, a horse four bases and so on. A movable object is stolen at the instant it is moved from the last of its bases, for example, a radio is stolen when it is completely lifted from the place it was standing, a wallet is stolen the moment it is lifted from the pocket, a horse is stolen when its fourth hoof is moved. Movable objects placed on a second movable device, such as a box of jewels on a cart for example, become stolen at the instant the 'carrier' or 'vehicle' is moved from the last of its bases. Immovable objects such as land and buildings become 'stolen' at the moment when the rightful owner finally yields his claim to them, for instance, through giving up a frustrating and expensive court battle, or because of intimidation from the bhikkhu.

Summary of the *Three Factors* for the *Pārājika* Offence of Stealing

A1 The object is the possession of another.

A2 The thief regards the object as belonging to another.
A3 There arises in his mind the idea to take it by theft.
B The object is something of value.
C One takes possession of the object.

Here, the first factor is split into three thereby making the '*Five Components*' of stealing. Sometimes the Vinaya will refer to the '*Three Factors'* of stealing, sometimes to the '*Five Components*' of stealing, but you should know both lists to be essentially the same. When either list is complete there is a *pārājika.*

Lesser Offences Associated With This Rule

Lesser offences of *thullaccaya* and *dukkata* associated with this rule occur in two ways, either for stealing items of minor value or for an uncompleted attempt at theft:

a) Stealing an item worth less than one fifth of a *pāda* is a *dukkata.*
b) Stealing an item worth one fifth of a *pāda* or more, but less than one *pāda*, is a *thullaccaya.*
c) Uncompleted attempts at theft.

When a bhikkhu intends to steal, for each preliminary action towards that end, including taking hold of or touching the desired object, there is a *dukkata.* Subsequently making the object 'quiver', or moving the object from one, though not the last, of its bases (see C above) is a *thullaccaya*[5]. There is also a *thullaccaya* when, in the course of stealing an immovable object, as when laying a false claim to another's property, the rightful owner begins to think that there is a possibility he might lose his belongings[6].

For example:

- Planning to steal a tape cassette player, one goes to the shop = a *dukkata* for every step.
- At the shop, when nobody is looking, one takes hold of the cassette player = another *dukkata.*
- One is about to lift the player, it quivers, but conscience stricken one lets it go = a *thullaccaya.*

A second example:

- Wishing to steal a horse one goes to the paddock = a *dukkata.*
- At the paddock, one takes hold of the reins on the horse = another *dukkata.*
- Pulling the reins, the first hoof moves = a *thullaccaya.*
- Then the second hoof moves = a second *thullaccaya.*
- Then the third hoof moves and seeing somebody approaching one runs away = a third *thullaccaya.*

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[5] See Footnote 4 above.

[6] Some would argue that the *pācittiya* offence for a deliberate lie would take precedence here.

A third example:

- Desiring to own another bhikkhu's bowl, one clams that it is really one's own = a *dukkata.*
- One takes one's false claim to the senior bhikkhu to decide = another *dukkata.*
- While the false claimant eloquently states his case, the real owner begins to fear that he might lose the bowl = a *thullaccaya.*

Though when the theft is completed – in the example above this is when the cassette player is lifted clear of its base, or when the horse is moved from its fourth and last base which is when the horse moves its fourth hoof, or when the real owner of the bowl gives up the contest for his bowl – then the lesser offences are discounted and are superseded by the *pārājika.*

This being one of the more complex rules in the Vinaya, we will now give a more detailed explanation of some important cases concerned with the *pārājika* for stealing:

1. Belongings of the Saṅgha

An item belongs to the Saṅgha (*saṅghita*), according to the Samantapāsādikā to *nissaggiya pācittiya* 30, when it is offered by donors with the intent that it go to the Saṅgha, and it is received, though not necessarily into the hands, by one or more bhikkhus representing the Saṅgha. Belongings of the Saṅgha fulfil the factor of 'having an owner' as explained in A1 above; when the other four of the *Five Components* of stealing are complete then there is a *pārājika.*

However, should one take belongings of the Saṅgha in a way not considered as theft then there is no offence; an example is taking small items such as matches or toothpaste from the agreed place where it is understood that bhikkhus may help themselves. Even when a bhikkhu takes the Saṅgha's belongings when he shouldn't, misunderstanding that he does have a right to help himself, there still is no offence incurred because component A2 is incomplete. Also, a bhikkhu may borrow belongings of the Saṅgha such as furnishings without an offence because of Component A3 being absent.

Important belongings of the Saṅgha – all land, all building, and such building materials and tools which are considered by the community as 'weighty' (i.e. that they should not be given away) – are called *garubhaṇḍa.* These are communal assets owned by the 'Saṅgha of the four quarters, present and yet to come' (*āgatānāgata – catuddisa – saṅgha*), which means *all* bhikkhus of any *saṃvāsa* now or in the future. Saṅgha belongings which are *garubhaṇḍa* may not be distributed nor given away, though they may be taken on loan or exchanged for other *garubhaṇḍa.* A bhikkhu who distributes these things to other bhikkhus, or gives them away to anyone, *thinking as if they were his to give*, commits a *thullaccaya.* But if a bhikkhu takes possession of the Saṅgha's *garubhaṇḍa* with the idea of stealing, fulfilling the *Five Components* of stealing listed above, he then incurs a *pārājika.* The Samantapāsādikā

makes it clear that the difference here between a *thullaccaya* and a *pārājika* depends on component 'A2' – how the offending bhikkhu regards the ownership of the property[7].

2. Angrily Destroying Another's Property and the Responsibility for Losses Arising from a Bhikkhu's Misconduct

The Vibhaṅga states that a bhikkhu who breaks, disperses, burns or renders useless another's property incurs a *dukkata.* Only one example of this is given in the Vinītavatthu; that of setting fire to grass (to be used as thatch) which belonged to the Saṅgha.

The Samantapāsādikā goes further to define the responsibility of a bhikkhu to compensate the owner for any loss that he caused. When a bhikkhu deliberately destroys or renders useless the property of another, out of anger perhaps or even when a bhikkhu *borrows* or agrees to look after another's belongings which are subsequently lost through that bhikkhu's negligence or even when a bhikkhu takes for himself another's possession, mistakenly thinking that it had been discarded (i.e. that it was '*paṃsukūla*') then these are situations which the Vinaya calls '*bhaṇḍadeyya*' – meaning 'appropriate for compensation'. Should the owner demand reasonable compensation and the bhikkhu responsible fails to give it, then that bhikkhu incurs an offence as if for stealing the same amount; if the loss is worth a *pāda* or more then that bhikkhu incurs a *pārājika.* When the owner does not ask for compensation though, none need be given[8].

Examples of '*bhaṇḍadeyya'* from the Samantapāsādikā include the following:

- A bhikkhu smashes a jar of ghee belonging to another. Should he not give the compensation demanded by the owner, the bhikkhu would commit a *pārājika.*
- A bhikkhu ruins a jar of ghee belonging to another by putting excrement in it. Again, should compensation be demanded by the owner and not paid, the bhikkhu incurs a *pārājika.*
- A bhikkhu kills a bull and thereby incurs a *pācittiya.* Should the owner of the bull ask for compensation and that compensation is not forthcoming, then the bhikkhu incurs a *pārājika.*

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[7] A bhikkhu would find compensation by bartering some of his requisites or by going to his relatives, lay supporters or fellow monastics.

[8] The Samantapāsādikā raises a fine point of *Vinaya* when it argues that a bhikkhu who tries to steal the Saṅgha's *garubhaṇḍa* by falsely claiming it as his own can never succeed, no matter how persuasive he may be. The reason given is that the owner of such *garubhaṇḍa* is the 'Saṅgha of the four quarters, present and yet to come', and thus by definition it can never be assembled to concede its rightful claim to the property. However, we disagree: though the owner of such *garubhaṇḍa* are indeed all bhikkhus all over the world, including those not even ordained yet (!), the administrators are clearly stated to be the local Saṅgha of that residence. They are the body responsible for the Saṅgha's *garubhaṇḍa* within its residence and thus the body which would contest the false claim. Should this body be pressed to concede ownership to that bhikkhu then the theft is complete and that bhikkhu does incur a *pārājika.*

- An old bhikkhu agrees to look after a visiting bhikkhus bowl while the visitor goes off on an errand. Through some stupidity on the part of the old bhikkhu, the visitor's bowl is lost. Should the visitor demand compensation and the old bhikkhu not give it, then the old bhikkhu incurs a *pārājika*.

- A bhikkhu who has agreed to be the storeman foolishly leaves the storeroom door open when he leaves at night; thieves enter and steal valuable items belonging to the Saṅgha. If the Saṅgha asks for compensation and the storeman-bhikkhu does not give it, he incurs a *pārājika*.

- A bhikkhu discovers an unoccupied raft drifting downstream and thinking it discarded, he has it sold. Should the owner come looking for his raft and demand compensation then that bhikkhu has to give it or incur a *pārājika*.

- From a pure motive of compassion, a bhikkhu released a wild pig caught in a hunter's trap. There is no offence for that bhikkhu. However, should the hunter return and demand compensation then that bhikkhu has to give it or incur a *pārājika*.

- A bhikkhu gives away the Saṅgha's *garubhaṇḍa* or through some other misconduct he is responsible for its loss or damage. The local Saṅgha may demand compensation from that bhikkhu and should he not give it, he incurs a *pārājika*.

The Samantapāsādikā also gives examples of what is *not bhaṇḍadeyya*:

- Somebody puts ghee into a bhikkhu's bowl without his knowledge and that bhikkhu, wishing to use his bowl, throws the ghee out.

- A visiting monk places his bowl beside an old resident monk expecting him to look after it while the visitor is away.

- The Saṅgha's belongings are stolen from the storeroom through no fault of the storeman-bhikkhu, such as when the thieves threaten the storeman bhikkhu with a knife to open the door.

In these and similar cases the bhikkhu involved is not held responsible for the loss. Even if compensation is demanded and the bhikkhu does not give it, there is no offence for him.

3. Stealing Many Times

When a bhikkhu steals several items, on different occasions, at various location, from many owners then the number of offences and the severity of each are calculated in the following way:

The items stolen are grouped according to each separate prior plan. Thus, there is one offence appropriate to the value of all that is stolen as a consequence of the first plan to steal; then a second separate offence according to the value of all that is stolen resulting from a second separate plan to steal, then a third offence for the value of those items arising from the third separate plan to steal and so on.

For example, from the Vinītavatthu, a bhikkhu steals ghee from a jar intending to take only one spoonful. Having consumed that, he then decides to steal one more spoonful. After swallowing the second spoonful he then thinks to take one more, then just one more, and so on until he finishes the whole jar. That bhikkhu incurs several offences each of severity appropriate to the theft of one spoon of ghee. This is because each spoonful was stolen as a consequence of a separate plan or intention. But a bhikkhu who decides at one point to steal enough wood to build himself a hut, steals a plank from here and a rafter from there, taking timber over many days at different places from various owners, then for that bhikkhu there is just one offence according to the value of all the timber that he stole, for each piece of wood was taken as a consequence of the same prior plan.

4. Instigating an Accomplice to Commit a Theft

A bhikkhu can commit an offence under this rule not only if he himself steals, but also if he instigates someone else to steal. The offences involved in planning, attempting and succeeding in the theft are determined as follows:

- When a bhikkhu tells his accomplice to steal a valuable object (grounds for a *pārājika*) the bhikkhu incurs a *dukkata.*

- When the accomplice agrees to the plan, the instigator incurs a *thullaccaya.*

- At the moment the accomplice succeeds in taking the object as instructed the instigator incurs a *pārājika.* If the accomplice is a bhikkhu, he too incurs a *pārājika.* It is irrelevant here whether or not the thief gets caught 'red-handed', or soon after, before the instigator gets his share of the loot; once the theft is completed as explained in 'C' above, the instigator incurs a *pārājika.*

- When the value of the object to be stolen is such as to be grounds for a *thullaccaya* or a *dukkata*, then each preliminary action towards that theft, such as giving instructions, incur a *dukkata*; when the theft is accomplished according to instructions both instigator and accomplice (if a bhikkhu) incur the same offence of *thullaccaya* or *dukkata* according to what is stolen.

- Should the accomplice not follow the instructions of the instigator – e.g. instead of taking the object specified by the instigator he takes something else, or takes the specified object at a time other than that designated by the instigator – then the instigator incus offences for attempted theft, a *thullaccaya* or a *dukkata*, but no offence for the completed theft itself.

- When the instigator rescinds his order before the theft is accomplished, but the accomplice goes ahead and takes the object anyway, then the instigator incurs offences for attempted theft but not for the completed theft, as above.
- When the instigator wishes to call off the theft before it is carried out but for one reason or another his message does not reach the accomplice in time, then the instigator incurs the full offence for a completed theft (this case is from the Samantapāsādikā).

- In the case of a chain of command – e.g. bhikkhu A tells bhikkhu B to tell bhikkhu C to tell bhikkhu D to steal something – then once bhikkhu D takes the object as instructed, all four incur the same penalty for the theft. But should there be some alteration in the instruction such as bhikkhu B, instead of telling bhikkhu C, tells bhikkhu D directly, then neither bhikkhu A nor bhikkhu C incur the full penalty for the theft itself.

- When many bhikkhus go in a group to commit a theft but only one of them actually removes the goods, then all incur the same penalty coming from the theft. Similarly, should they steal goods worth collectively more than one *pāda*, but which when distributed among them yield shares of less than one *pāda* each, then all incur a *pārājika* just the same.

5. Receiving Stolen Goods

Accepting a gift of goods, or purchasing them very cheaply, knowing that they were stolen could in 'Western' criminal law result in a similar penalty to stealing itself. For this reason some have argued that a bhikkhu who so receives stolen goods worth more than one *pāda* should incur a *pārājika*. However, neither the Vinayapiṭaka nor its main commentary, the Samantapāsādikā, mentions this case and for that reason one could not compel such a bhikkhu to accept a penalty of *pārājika*. However, such a bhikkhu would not be exempt from civil law and the consequent criminal proceedings wherein he would, no doubt, be urged to disrobe. Of course, when the bhikkhu who received the stolen goods had had some part to play in their theft then there is no question – he incurs a *pārājika*.

When a donor offers an item which isn't really his to give – for example a faithful shop assistant forgets his duty to his employer and gives a bhikkhu customer an undue discount, or a Buddhist customs officer declines to accept the required duty from an incoming bhikkhu – then both Vinayapiṭaka and Samantapāsādikā state that in all such cases the bhikkhu incurs no offence. However, the bhikkhu is advised to question the donor first and only accept after the donor insists.

6. Taking on Trust

There are 5 necessary factors listed in the Mahāvagga which allow a bhikkhu to take an item belonging to another 'on trust':

i) He is a friend.

ii) He is an intimate.
iii) He has recently given some form of verbal permission for you to take from those things of his.
iv) He is still alive.
v) You are confident that he will not mind.

When these factors are fulfilled then it is appropriate to take an item 'on trust', but should one of these factors be lacking, for example your friend has not specifically told you that you may take things of his, then one should not take anything[9]. Though, if one does take an item mistakenly thinking that one is taking 'on trust' then there is still no offence for stealing because of component A3 – the intention is not to take by theft. The Vinītavatthu gives a case of this calling it a 'misconception as to trust' for which there is no offence, though should the original owner demand compensation it has to be given – a situation of '*bhaṇḍadeyya*' (see '2' above).

7. Tax Evasion and Smuggling

Should a bhikkhu be responsible for paying a tax or duty to the authorities, and he deliberately and knowingly avoids paying it, then that bhikkhu incurs an offence as if for stealing, even up to a *pārājika*. Examples are: evading the tax on any earnings, misrepresenting the development of his property to evade high land rates, smuggling items into or out of a country to avoid import or export duty, trading on a black market where taxes are routinely avoided, claiming a sales tax exemption on a purchase when he is not eligible for such, and son on. Wherever one knows there is tax to be paid but deliberately fails to pay this tax, if the tax is worth one pada or more, one incurs *pārājika* offence.

Should a bhikkhu avoid paying a tax through ignorance or misunderstanding of the regulations then there is no offence.

However, this is a case of '*bhaṇḍadeyya*' (see '2' above): should the authorities at some time later demand the tax and one fails to pay it then one incurs an offence as if for stealing; should be authorities not demand the tax then one need not pay as far as the Vinaya is concerned.

When a bhikkhu smuggles items which are prohibited altogether from being taken in to a country, e.g. illegal drugs, or out of a country, e.g. works of art, this is a case which does not come under this rule in that the authority is not cheated out of its revenue. However, the civil penalties would be severe and one would expect that the guilty bhikkhu would be strongly urged to disrobe.

8. A Court Action

[9] The Samantapāsādikā states that when at least 3 of these five factors for 'taking on trust' are complete (that is any one of the first three factors plus the forth and fifth) then it is appropriate to take on trust. However, we disagree with the commentary here on the ground that it opposes what is stated in the Vinaya-*piṭaka*. In the passage in the Mahāvagga where these five factors are mentioned, the Pāli clearly means that *all* five factors have to be complete before a bhikkhu may 'take on trust'.

Should a bhikkhu, with the intention of cheating another of his property, instigate a law-suit which achieves this end, then the bhikkhu incurs an offence as if for stealing, even up to a *pārājika*. In this situation the offence is incurred when the rightful owner finally gives up trying to win his case. For example, the time, expense or worry of legal proceedings might intimidate him into yielding his rights to his property even before the case comes to court; or, at the other extreme, he might give up his claim only after many unsuccessful appeals to higher courts.

The Samantapāsādikā adds, in the commentary to 'Bhikkhu's Saṅghādisesa 1', that should a bhikkhu who has been maltreated by somebody – e.g. defamation of character, bodily harm, loss of property etc. – bring a 'just court action against the villain which results in a fine of more that one *pāda*, then that bhikkhu incurs a *pārājika*! However, the author of the well respected Thai work on the Vinaya, the Vinayamukha, argues strongly against this view of the commentary, saying that a bhikkhu should not be penalised with any offence, let alone one as severe a *pārājika*, for pursuing his legal rights fairly. In any case, it would be preferable for lay supporters to instigate and pursue such legal proceeding to protect the rights of that bhikkhu. However, all the Vinayadharas are in agreement that there is no offence for a bhikkhu who, when asked to give evidence in a courtroom, does so, speaking according to fact, whatever the outcome for the others involved.

9. Breach of Copyright.

The international standards for copyright advocated by UNESCO state that, "… Breach of copyright is tantamount to theft!" The same UNESCO publication advises, "… if it is for private use, for study, for non-profit, then you may copy as much as you like." However, as this may not always be the standard adopted, it is best to check the local copyright law carefully before copying.

10. Deceit

When a bhikkhu uses a deliberate lie to deceive someone into giving an article to him, then the transgression does not come under this rule about stealing, but is an offence of *pācittiya* under the rule about lying. When the items are clearly given by the donor to the bhikkhu – albeit under false pretences – then this is not stealing. There are two examples of this in the Vinītavatthu:

a) During a distribution of requisites among the Saṅgha, a bhikkhu asks for and is given an extra portion for a non-existent bhikkhu.
b) A pupil bhikkhu approaches his teacher's lay-supporter and asks for medicines, saying they will be for his teacher, although he has no intention of giving the medicines to the teacher. The lay-supporter gives the medicines to the pupil.

In both these examples the bhikkhu incurs *pācittiya* for lying. However, the Samantapāsādikā goes on to state that these examples are also cases of '*bhaṇḍadeyya*' (see '2' above). Should the wronged party (the Saṅgha or the lay-supporter) demand

compensation for their loss, then that Bhikkhu who duped them must pay up or incur a *pārājika* should the loss amount to a *pāda* or more.

The reader should be careful to distinguish the above cases from the situations in which a shameless bhikkhu employs a lie as a means to steal, that is, to take what is *not given to him*, and thereby incurs a *pārājika.* For instance, in the example from the Vinītavatthu quoted in 'b' just above, should the lay-supporter have handed over the medicines saying, "This is for your teacher", then at the instant that the pupil took these for himself he would incur a *pārājika* for stealing.

Another example of deceit, quoted in the Samantapāsādikā, which results in a *pārājika* is when, in bartering his own belongings with those of another, a deceitful bhikkhu exaggerates the value of his own goods, by painting an old item and claiming it as new for example, and thereby makes a profit of one *pāda* or more on the deal.

11. Breach of Trust

When a bhikkhu agrees to look after the belongings of another and those things are lost through that bhikkhu's misconduct, e.g. negligence, then this is a situation of *bhaṇḍadeyya* – deserving compensation as discussed in '2' above – should that bhikkhu fail to give compensation if it is demanded then that bhikkhu incurs an offence as if for stealing the same amount. When those things are lost through no fault of the bhikkhu, or when he never agreed to look after those things in the first place, then there is no need for him to compensate for the loss.

When a bhikkhu steals valuable things entrusted to his care then the *pārājika* offence arises at the moment he takes the article *beyond the limits of his custody*.

For example:

A storeman-bhikkhu decides to steal one of the valuable bowls entrusted to his care by the Saṅgha and so hides it within the storeroom – he incurs a *dukkata.* The Saṅgha asks for the bowl – to give to a needy bhikkhu and the storeman replies that he has no such bowl – he incurs a *pācittiya* for lying or, in the event that the Saṅgha believe that he may have lost their bowl, a *thullaccaya* (see 'Lesser offences' above). When the Saṅgha gives up the bowl for lost – he incurs a *pārājika.* But, when that storeman, with the idea of stealing takes the bowl 'beyond the limits of his custody', which here means outside of the storeroom, then immediately he incurs a *pārājika.*

A second example:

A Thera gives a costly robe to his attendant bhikkhu to carry while they journey to a certain place together. The attendant wishing to steal the robe while on the journey hides it among his own things – he incurs a *dukkata.* Or, deciding to steal the robe he takes it for his own and wears it – he incurs a *dukkata.* At the end of the journey the Thera asks for his robe and the attendant refuses to give it – the attendant incurs another *dukkata.* The Thera begins to think that he might not get his robe back – the attendant incurs a *thullaccaya.* Then when the Thera gives up trying to retrieve his robe – the attendant incurs a *pārājika.* Even should the attendant take the robe for himself while on the journey and barter it for some

medicines which he consumes at once, then these are all offences of *dukkata*; but when the Thera asks for what is his and the attendant refuses to give compensation, then the attendant incurs a *pārājika*. However, when the attendant bhikkhu, with the idea of stealing takes the costly robe 'beyond the limits of his custody', which here means outside of the agreed journey – for instance he hides it under a rock by the side of the road, or he runs away with it in the midst of the journey, or he continues on with the robe after reaching the final destination – then he immediately incurs a *pārājika*.

How to Deal With a Possible *Pārājika*

From time to time doubts will arise in some careless bhikkhus concerning this rule and therefore a 'leading case' is here included from the Samantapāsādikā which gives a fine example on how senior Theras should conduct the affair.

During an occasion when the King together with an enormous crowd came to worship the Great Stupa at a certain monastery, a visiting bhikkhu from the South also arrived carrying an expensive roll of cloth. The visiting bhikkhu became caught up in the bustle and jostling of the large crowd, dropped his cloth and was unable to retrieve it. Such was the confusion and general disorder created by the unusually large crowd that he soon gave up the cloth for lost. Then one of the resident bhikkhus came upon the cloth and, desiring to steal it, he quickly put it away lest the owner might find him taking it. That resident bhikkhu, soon after, became tormented by guilt and went up to the Vinaya Master to admit a *pārājika* and disrobe. However, the Vinaya Master would not allow him to disrobe as yet, but told him to find the cloth's original owner first and enquire about it more fully. After a long search the ex-owner of that cloth was found in a monastery in the South and thus it was discovered that at the time the resident bhikkhu had taken up that cloth, the visiting bhikkhu had already given up the cloth for lost and 'had given up all mental attachment for it'. Thus, unknown to the resident bhikkhu at the time, the cloth was *not the possession of another* when he took it and he was therefore free from an offence of *pārājika* (though he incurred *dukkata* for making preliminary effort with the intention to steal)!

This example shows how thoroughly senior Theras should investigate the matter, for *pārājika* is a vital concern. It also shows that the role of the investigating Theras is one of trying to protect the offender's bhikkhu-hood; they should not be too eager to see him disrobed. Lastly it shows that when considering a *pārājika*, should there be any doubt the 'offender' is to be given the benefit of that doubt – he is 'innocent' until the facts clearly prove him guilty.

A Humorous Anecdote to End With

At the end of this the most complex rule in the Pātimokkha here is an interesting story adapted from the Vinītavatthu warning of the danger of mistakenly assuming that an object has no owner.

At one time, an ascetic bhikkhu was in a charnel ground helping himself to the winding cloths which covered a newly deceased corpse. As he took hold of the rags a

chilling voice rose up from beyond the grave, "Sir… Do not take my clo-o-o-oth!" The bhikkhu, keeping composed, ignored the ghostly command and set off with his rags.

The lifeless corpse stiffened. Then, to the horror of the bhikkhu, it silently rose and came floating after him. The terrified bhikkhu ran for his life with the spectre 'cold on his heels' and gaining. The monastery was not far off, the bhikkhu sprinted for his hut and the spectre lunged at the bhikkhu. The bhikkhu leapt inside his hut and slammed the door in the face of the 'thing' – just in time.

At this the frustrated 'ghost of the dead' left the corpse and the dispirited cadaver fell lifeless again, just where it was, outside the bhikkhu's door.

When the tale was finally told, the Buddha explained that there was no *pārājika* for stealing the rags, but he warned, "A bhikkhu should not take discarded rags from a corpse which is not yet decomposed – whoever should so take, then incurs a *dukkata*."

PĀRĀJIKA 3

The Story

During one of his stays in the Gabled Hall at the Great Wood outside Vesālī, the Buddha spoke in many ways encouraging the bhikkhus to develop the meditation on 'Loathsomeness of the Body' (*asubhabhāvanā*). When he subsequently entered solitary retreat for a half-month many of the bhikkhus practised over-zealously and without the Buddha to guide them, fell into wrong view. They came to despise their bodies as they would a rotting carcass and a number of them committed suicide. Some bhikkhus approached Migalaṇḍika, a sort of *samaṇa* who subsisted off the remains from the bhikkhus' meals, and asked him, "Be so good, Sir, as to deprive us of life; this bowl and robe will become yours", Migalaṇḍika was simple-minded but strong and he severed their heads with a sword.

Soon after, Migalaṇḍika was overcome with remorse and went to a nearby river believing that there he could wash away his sins. Though he washed the blood from the sword the anguish of guilt remained. He was sitting by the river in bitter repentance at what he had done when an earth-*devatā* appeared, coming towards him across the water. The *deva* was like-minded to Māra himself and in order to tempt Migalaṇḍika further it told him that he had nothing blameworthy; on the contrary he had made much merit for he had delivered many bhikkhus from the whirlpool of *saṃsāra*. Migalaṇḍika believed the *devatā* and set off back to the monastery with gusto, anxious to make even more merit.

Migalaṇḍika went from dwelling to dwelling, *kuṭi* to *kuṭi*, brandishing his blood stained sword and calling out, "Who is not delivered? Who will be the next to be sent to the other shore?" Although some of the younger bhikkhus cowered in corners with their hair standing on end others, up to sixty a day, were willingly giving up their lives at the hand of Migalaṇḍika. By the end o the half-month around 500 bhikkhus had thus been killed.

When the Buddha came out of retreat he addressed Ven. Ānanda, "Ānanda, how is it that the company of bhikkhus is so diminished as it is?" Then, on hearing the whole story, the Buddha called a meeting of all the bhikkhus living in the area and it was on this occasion that he delivered the famous teaching on the practice of Mindfulness of Breathing (*ānāpānasati*). Following that discourse, the Buddha laid down the training rule concerning the killing of people.

Rule – Translation

Should any monk deliberately deprive a human being of life, or search for an assassin for him, or praise the advantages of death or incite him to die (thus): "My good man, what use is this miserable, difficult life to you? Death would be better for you than life." Or with such thoughts in mind, such intentions in mind, should he in various ways praise the advantages of death or incite him to die, he is also defeated and no longer in communion.

Rule – Synopsis

Intentionally causing the death of a human being is a pārājika.

This rule like many others is best explained by considering it as composed of four parts: the intention, the action, the object and the result.

The Intention

The intention to cause the death of a human being is a prerequisite for any offence under this rule; when there is no intent to kill then there is no offence under *pārājika* 3. For example (taken from the Vinītavatthu):

- A bhikkhu working on a building carelessly dropped a brick on another bhikkhu below thereby killing him – there was no offence as it was an accident.

- A bhikkhu in the village thoughtlessly sat down upon a blanket concealing a baby and that baby died as a result – there was no offence as there was no intent to kill, but thereafter any bhikkhu who sits down on a seat with a loose covering without first checking it carefully incurs a *dukkata*.

- A bhikkhu was throwing stones from atop a precipice for fun when one accidentally struck a cowherd and killed him – there was no offence as that bhikkhu didn't mean to kill anyone, but thereafter any bhikkhu who throws a stone in fun incurs a *dukkata*[10].

- Some of the group of six monks one day held down a bhikkhu belonging to the group of seventeen monks and set about tickling him for the fun of it. That bhikkhu became short of breath and died – there was no offence as

[10] Though there is no offence for throwing a stone to scare off dogs or crows, according to the Samantapāsādikā.

there was no intent to kill, but thereafter tickling another bhikkhu became an offence of *pācittiya* (No. 52).

- A bhikkhu supplied medicine to a woman who supported him and as a result of that medicine the woman died – there was no offence under this rule as there was no intent to kill, but that bhikkhu incurred a *dukkata* for prescribing and supplying medicine to a lay-person who was not a relative[11].

- A bhikkhu slapped the neck of another bhikkhu who was choking on some meat stuck in his throat. As a result of that blow the bhikkhu died – though the blow was deliberate there was no intent to kill and so there was no offence – this shows the difference between 'deliberate' and 'intentional'.

- A bhikkhu lectures that suicide or euthanasia is the only compassionate choice in cases of hopeless suffering[12]. Because of these words, a depressed and chronically ill listener kills himself – there is no offence as that bhikkhu spoke hypothetically, not meaning to be the cause of death. This example is not from the Vinītavatthu but is implied in the Samantapāsādikā commentary; in the Vinītavatthu there is a story of a bhikkhu who thought that a fellow sick and suffering bhikkhu would be so much better off dead that he 'compassionately' encouraged that sick bhikkhu to end his life – in this case there was a clear intention to cause death and therefore when that sick bhikkhu fasted to death, the 'compassionate' bhikkhu incurred a *pārājika*.

The Action

Any action that is motivated by the intent to kill, and which directly or indirectly is a cause of the victim's death, results in a *pārājika* for the bhikkhu responsible. The Vibhaṅga and the Samantapāsādikā mention only some of the methods by which a bhikkhu might accuse the death of another person and thereby incur a *pārājika*:

- Killing by means of one's own body; such as punching, kicking, strangling or pushing over a precipice.

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[11] The Samantapāsādikā states that one may prescribe and supply medicines to one's fellow monastics, to one's parents, to those taking care of one's parents and to any lay-people staying in the monastery either preparing to ordain (*paṇḍupalāsa*, literally 'yellow leaves about to fall') or just staying to help the bhikkhus (*veyyāvaccakara*). Also, a bhikkhu may prescribe but not supply medicines to his brothers, sisters, aunts, uncles and grandparents and to whatever travellers, bandits, people wounded in battle and those without relatives who come to the monastery for help (should any of these people not have the means to obtain the 'prescription' the bhikkhu may supply the medicine 'on loan'). Should a bhikkhu prescribe or supply a medicine outside of this he incurs a *dukkata*. Then, if he prescribes or supplies a medicine to any layperson expecting a requisite back in return, the bhikkhu incurs another *dukkata* for '*kūladūsaka*', corrupting families.

[12] Of course such an opinion is contrary to Dhamma and it would be the duty of fellow bhikkhus to explain this to him.

- Killing by means of a weapon attached to one's body; such as a club, a knife or an axe.

- Killing by means of a missile; such as hurling a rock, shooting an arrow or firing a gun.

- Killing by using magic or psychic powers; such as invoking voodoo or 'pointing-the-bone', an efficient psychic means of execution still used by some Australian Aborigines.

- Killing by setting a trap; such as digging a deep pit for somebody to fall into, setting mines or other explosive booby-traps, tampering with the brake mechanism of a vehicle so that it will crash, arranging a sharp sword under the bed of an enemy in such a way that it will pierce him when he reclines, or poisoning the victim's food or drink.

- Killing by sending the victim into an exceedingly dangerous situation where one knows that he is unlikely to survive; such as persuading an enemy to journey through the territory ravaged by brigands, sending him by a jungle trail along which many previous travellers have been eaten by wild animals, or somebody who one knows to be terrified of heights along an unsure path which will lead along the top of a cliff.

- Killing by commanding another to be the assassin; such as instructing a disciple with unquestioning devotion to murder a person one hates, by paying the required fee to a professional killer, or by intimidating another to slaughter the victim for you.

- Killing by inciting another to kill; such as publicly encouraging euthanasia, capital punishment or abortion, enjoining soldiers to kill the enemy in battle or encouraging another to kill himself.

As this last method of causing death is sometimes not so obvious, we include here some specific cases taken from the Vinītavatthu where inciting another to kill led to a *pārājika*:

- A bhikkhu while passing the place of an imminent public execution 'compassionately' asked the executioner to kill the condemned man mercifully with a single blow of his axe rather than with many. Acting on the bhikkhu's words, the executioner killed the victim with one stroke and thereby the bhikkhu incurred a *pārājika*. Should the executioner, still acting on the bhikkhu's advice, have needed more than one blow to execute the victim then the bhikkhu would have incurred a *thullaccaya*. But when the executioner ignores the advice of the bhikkhu and executes the criminal according to his own design, with one or many blows, then the bhikkhu incurs a *dukkata*.

- A bhikkhu met a criminal who had just been punished by having his hands and feet cut off and, desiring that the criminal be put out of his misery,

merely gave advice on how this should be done. The relatives of that maimed criminal followed that bhikkhu's advice and thereby killed him. Because of the bhikkhu's suggestion he incurred a *pārājika*.

- A bhikkhu fell deeply in love with a lay disciple's beautiful young wife and, planning to eliminate the husband, the bhikkhu encouraged him to commit suicide by speaking to him over and over again about the heavenly realms to where, the bhikkhu said, he was surely bound to go. The husband longing for the celestial paradise so wondrously described by the bhikkhu committed suicide and thus the bhikkhu incurred a *pārājika*.

- A socially active bhikkhu wished to rid the community from the scourge of a local bandit chief and so lectured in public saying, "Whoever cuts off the head of this bandit will receive great honour from the King!" Should someone in the audience later kill that bandit because of the bhikkhu's lecture, then that bhikkhu incurs a *pārājika*[13].

- A bhikkhu helps someone to commit suicide by bringing them a sharp knife, by supplying poison, by giving advice on how it is best done, by giving him encouragement in case he is faint-hearted or even by applauding him as he takes up the knife. Should that person thereby commit suicide then the bhikkhu incurs a *pārājika*.

- A bhikkhu constructs a trap or snare in order to kill people, but before it is used the bhikkhu changes his mind and throws the deadly device away. Later, even twenty years after, a bandit finds the device, repairs it and then uses it to successfully kill his enemy. When the enemy dies the bhikkhu incurs a *pārājika*. Any bhikkhu, who has made such a trap, or something similar, just completely destroy the device, such as by burning it to ashes, to avoid such a possibility of *pārājika*[14].

Negligence or 'non-action' is not sufficient to cause a *pārājika*, even when it is motivated by an intention to kill and the victim dies as a consequence. For example, a bhikkhu makes no effort to artificially prolong the life of a brain damaged disciple, hoping that he will die rather than live a vegetable-like existence, and the disciple thereby dies – this bhikkhu incurs no offence. However, another bhikkhu also wishing death for a disciple with similar injuries *advises* the doctor to make no effort to prolong the disciple's life and the doctor follows the bhikkhu's advice letting the disciple die – here the bhikkhu does incur a *pārājika*. Though in both cases there was the intention to kill, the outcomes are different because in the former example the bhikkhu performed no action while in the latter the bhikkhu performed the action of giving advice[15].

Also, a bhikkhu can incur a *pārājika* for contributing only partially to the eventual death of the intended victim. For example, taken from the Samantapāsādikā:

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[13] This example is taken from the Samantapāsādikā.

[14] The above two examples are from the Samantapāsādikā, not the Vinītavatthu.

[15] This example follows the explanations given in the Samantapāsādikā.

- A bhikkhu intends to kill his enemy by digging a deep pit and having him fall into it. The victim subsequently falls into the pit but is rescued some time later. However, because of the fall and the time spent in the pit the victim develops an illness from which he later dies. Because of this, the bhikkhu incurs a *pārājika.*

- A bhikkhu intends to kill his enemy by digging a pit as before, but in this case the victim, having fallen into the pit, is 'rescued' by brigands who rob him and then slit his throat. Again, the bhikkhu is still partially responsible for the victim's death and so incurs a *pārājika.*

- A bhikkhu pulls out a gun to shoot and kill his enemy but misses. However, the enemy is terrified, has a heart attack and thereby dies. This bhikkhu incurs a *pārājika.* This is a modern example which follows the explanations in the Samantapāsādikā.

When a bhikkhu, intending to cause death, employs any of the above means, or one similar, to contribute wholly or partially to the victim's eventual death, then that bhikkhu incurs a *pārājika.*

The Object

The offence of *pārājika* is for intentionally killing another human being.

In this rule, the Vibhaṅga defines a 'human being' as a person reckoned from 'the time of consciousness becoming first manifest in a mother's womb, until the time of death'. Then, in another part of the Vinayapiṭaka (Mahāvagga, 1.75), the Buddha stated, with regard to ordinations, that "When in his mother's womb the first thought has arisen, the first consciousness appeared, his birth is to be reckoned as from that time. I allow you, monks, to ordain one who is twenty years of age from his conception". Thus a human being is reckoned from the time of conception.

It follows from this definition of 'human being' (*manussa*) that a bhikkhu who intentionally causes an abortion by arranging the operation, by supplying medicines or by merely giving advice encouraging an abortion incurs a *pārājika.* Then, some contraceptives, such as the intra-uterine device for example, are post fertilization contraceptives and thus in the terms of this rule are to be considered as abortive; a bhikkhu who supplies or encourages the use of such a contraceptive incurs a *pārājika* when the contraceptive is used! There are several stories in the Vinītavatthu where a bhikkhu caused an abortion and thereby incurred a *pārājika*; for this reason, should a bhikkhu think it appropriate to talk about abortion or contraception, either in a public lecture or at a 'private' counselling session, then he must be very careful about his intentions and his choice of words – a seemingly compassionate indiscretion can easily lead into a *pārājika.*

The offence of *pārājika* is for killing *another* human being; the Samantapāsādikā categorically states that there is no *pārājika* for the bhikkhu who kills himself or has some obliging fellow kill on request.

However, such an action, suicide, is an offence of *dukkata* according to the Vinītavatthu, but, according to the Samantapāsādikā, when done for the appropriate reasons suicide is no offence at all. The Samantapāsādikā gives two examples:

- A bhikkhu is chronically sick with little sign of recovery and he wishes to end his own life so that he will no longer be a burden on the bhikkhus who are nursing him – in this case suicide is appropriate.

- A bhikkhu who is enlightened already becomes gravely ill with a painful disease from which he suspects he will not recover. As the disease is burdensome to him and he has nothing further to do, he thinks to end his life – in this case also suicide is appropriate[16].

A bhikkhu who kills one of the supernatural beings; such as a *yakkha* (demon), *nāga* (dragon), *peta* (ghost) or even a *devatā* (heavenly being), incurs a *thullaccaya*. According to the Samantapāsādikā, when a supernatural being possesses the body of a human being it can be exorcised in either of two ways. The first way is merely commanding the spirit to leave, an 'eviction-order' which does not injure the spirit and which results in no offence; the second way described in the commentary causes the death of the possessing entity and it is this method which results in a *thullaccaya*.

A bhikkhu who intentionally kills an animal incurs a *pācittiya* (under *pācittiya* 61).

The Result

When there is no intention to cause death then the result is no offence.

When a bhikkhu intends to injure, not to kill, but the victim dies as a result of what that bhikkhu does, then there is no offence of *pārājika*, but that bhikkhu would probably incur a *pācittiya* (under *pācittiya* 74).

When a bhikkhu does intend to cause death but makes no effort consequent on that intention, then there is no offence.

When a bhikkhu who is motivated by the intention to kill attempts any action as explained above which, however, fails to contribute to either the injury or death of the victim, then that bhikkhu incurs a *dukkata*. For example, a bhikkhu attempted to kill, but the victim died from a totally unrelated cause, then that bhikkhu incurred a *dukkata*.

When a bhikkhu in attempting to kill somebody only injures the victim then he incurs a *thullacayya*. Here 'injury' is defined as 'the arising of a painful feeling in the

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[16] Of course, the authors here are merely describing the contents of the Samantapāsādikā, we are not giving advice; were these words our own and they persuaded such a bhikkhu to suicide, then we the authors would incur a *pārājika*.

victim'. However, should the victim later die as a result of those injuries sustained during the attempt on his life, then that bhikkhu incurs a *pārājika.*

When a bhikkhu, motivated by the intent to kill, performs any action which contributes wholly or partially to the death of the victim, then that bhikkhu incurs a *pārājika.*

In the case of a bhikkhu employing an assassin, when the assassin agrees to do the job the bhikkhu incurs a *thullaccaya.* Then, should the assassin not follow the instructions of the bhikkhu – for example, the assassin kills somebody else, or he kills the intended victim but at a time other than that specified, or a place other than that specified, or by a means other than that specified – then there is no further offence for the bhikkhu. However, should the assassin kill the victim as instructed, then the bhikkhu incurs a *pārājika.*

In the case of a bhikkhu employing a chain of command to kill a victim – instructing 'A' to tell 'B' to tell 'C' … to tell 'X' to kill somebody – then for each of his preliminary efforts that bhikkhu incurs a *dukkata.* When the actual assassin 'X' agrees to do the job then the instigating bhikkhu, as well as any other bhikkhu involved in the chain of command, incurs a *thullaccaya.* When the assassination is accomplished according to instructions then each of the bhikkhus involved in the chain incurs a *pārājika.* But when the assassin does not follow the instructions that he is given, as in the examples of the paragraph above, and then there is no further offence for the bhikkhus in the chain apart from the assassin himself. For example, when a bhikkhu instructs 'A' to tell 'B' tho tell 'C' to kill somebody and 'A' cuts corners by passing over 'B' and telling 'C' directly, then there is no further offence for the instigating bhikkhu when 'C' kills the victim.

When a bhikkhu attempts to kill a certain person 'by means of one's own body', 'by means of a weapon attached to one's body', or 'by means of a missile' (these are the first three methods of causing death listed under 'The Action' above) and mistaking the identity he kills somebody else, then he still incurs a *pārājika* (case 27 of the Vinītavatthu). For example, taken from the Samantapāsādikā, a bhikkhu means to murder a certain person at night while he is sleeping, but that night another person happens to be sleeping in the bed of the intended victim. It being dark, the bhikkhu does not notice the identity of the sleeper and stabs him to death. That bhikkhu still incurred a *pārājika* because the *intention* relevant to the offence is that intention which motivated him to plunge the knife into the sleeper and which occurred just a moment before this act. In this case this intention was to 'kill the being lying here', hence the *pārājika.* As this is a subtle point of Vinaya another hypothetical example is given:

> At a certain monastery the Vinaya Master and the Dhamma Master happen to be similar in appearance and from a distance they are easily mistaken one for the other. Another bhikkhu with a grudge against the Vinaya Master decides to shoot him dead and so lies in wait for him by the side of the road. Soon the Vinaya Master appears on the road ahead accompanied by the Dhamma Master. The bhikkhu mistaking the identity takes aim at the Dhamma Master and shoots him dead. The bhikkhu killed the 'wrong person' but he incurs a *pārājika* because the intention in his mind as he pulled the trigger was *to shoot dead the person he was aiming at*. But if the bhikkhu had missed his aim and the bullet had killed the

Vinaya Master instead, then that bhikkhu would have incurred a *dukkata*, *not* a *pārājika!* The preliminary intentions (to kill the Vinaya Master) are not what counts; it is only the intention just prior to the act and which motivates the act which is to be considered when deciding on an offence.

Except for this category of mistaken identity killing, when a bhikkhu attempts to kill a certain person and fails, though as a consequence of his attempt another person dies then he incurs *dukkata* offences for each preliminary action in his attempt to kill but no *pārājika* as he did not intend the death of the one who died. An example of this has just been mentioned in the paragraph above, a bhikkhu shot at someone aiming to kill, missed, but the stray bullet hit and killed somebody else – outcome was a *dukkata*. Another example, this time taken from the Samantapāsādikā, is where a bhikkhu attempted to incite a certain person to commit suicide by extolling death while condemning life, but another person overheard, was convinced and committed suicide – again, the bhikkhu incurred a *dukkata*. Similarly, if a bhikkhu attempts to kill any of a group of people then when one of that group dies as a result he incurs a *pārājika*, but when somebody else outside of that group dies as a result of the bhikkhu's attempt to kill then he incurs a *dukkata*. When a bhikkhu has the intention to kill just anyone, then when one person dies as a result he incurs a *pārājika*.

The Vinītavatthu gives an offence of *thullaccaya* for 'testing poison' and thereby causing death (case number 6). In explaining this the Samantapāsādikā states that when a bhikkhu is uncertain either if the poison is strong enough to kill or if the victim is susceptible enough to die then, whether the victim dies or not, that bhikkhu incurs a *thullaccaya* for giving poison with the intention to test. However, when the bhikkhu is of the opinion that the poison is lethal and he administers it to someone causing their death, then he incurs a *pārājika*.

PĀRĀJIKA 4

The Story

At one time there was a famine in the country of Vajjī and the many bhikkhus who were spending the Vassa there found alms food difficult to obtain. Of these bhikkhus, a group residing by the banks of the River Vaggumuda devised a scheme to entice the laity into offering alms food and other requisites to them. Whenever they met the laypeople they told them of each other's attainments of 'superior human states' (*uttarimanussa-dhamma*), sometimes telling of a true attainment but often deliberately lying just to impress the laypeople. The plan worked. The faithful lay people thought that to give alms to such special bhikkhus would bring great merit and so they themselves did not eat, nor did their parents, wives, children and slaves eat, in order to have food to present to these bhikkhus.

At the end of the Vassa, as was the custom then, bhikkhus from many regions travelled to Vesālī, to the Gabled Hall in the Great Woods to pay their respects to the Buddha. The bhikkhus from the River Vaggumuda entered the Gabled Hall looking well fed with clear skins and bright complexions. Whereas, all the other bhikkhus,

from the same famine stricken region entered looking 'lean, wretched and of yellow colour with their veins standing out all over their bodies'. The Buddha asked the fat bhikkhus about their Vassa and thereby came to know of their trickery. The Buddha then rebuked these bhikkhus in the strongest of terms by saying that it would have been better for them had their stomachs been ripped open with a sharp butcher's knife, or had they been made to swallow a red hot iron ball, because that would only have caused a terrible pain of short duration followed by death; but falsely claiming superior human states to laypeople in order to be given alms food would after death result in a rebirth into the abyss of the hell realms for a long and torturous time. The Buddha continued by describing the 'Five Great Thieves' – referring to those immoral and uncontrolled bhikkhus who obtain their alms food and other requisites by unscrupulous means, just as a robber obtains his livelihood – saying that the very worst of all the Great Thieves is the bhikkhu who claims a non existent superior human state for the sake of his stomach. Only after this lengthy remonstration did the Buddha finally lay down the training rule, the fourth *pārājika*.

Rule – Translation

Should any monks, without direct knowledge, boast of a superior human state, a truly noble knowledge and vision as present in himself saying, "Thus I know, thus I see", such that regardless of whether or not he is cross-examined on a later occasion he, being remorseful and desiring purification might say, "Friends, not knowing I said I knew, not seeing I said I saw, vainly, falsely and idly", unless it was from overestimation, he also is defeated and no longer in communion.

Rule – Synopsis

Claiming that one has attained a 'Superior Human State' when one knows this to be a lie is a pārājika.

Superior Human States (*uttarimanussadhamma*)

The Vibhaṅga lists a large number of 'Superior Human States' which are further classified into two broad categories: *mahaggata dhamma* being those states related to the achievement of meditative absorption (*jhāna*) and *lokuttara dhamma* being those states related to the absolute eradication of the 'mental fetters' (*saṃyojana*) which bind the mind to the cycle of rebirth.

(a) *Mahāggata* Dhamma

Meditative absorption, *jhāna*, is of two major types: absorption in a physical object or sensation which is called '*rūpa jhāna*', and absorption in a non-physical object or sensation which is called '*arūpa jhāna*'. Both of these contain four levels which are described by a stereotype passage often met with in the *suttas* as follows:

> Withdrawn from sensual objects and withdrawn from unwholesome states of mind, a bhikkhu enters and remains in the *first rūpa jhāna* which is accompanied by 'initial application of mind' (*vitakka*) and 'sustained application of

mind' (*vicāra*), which is born of detachment (*vivekaja*) and filled with 'rapture' (*pīti*) and 'joy' (*sukha*).

Then, after the subsiding of thought-conception and thought-proliferation and by gaining 'inner tranquillity' (*sampasāda*) and oneness of mind (*cetaso ekodi*), he enters into a state free from thought-conception and free from thought-proliferation, the *second rūpa jhāna*, which is born of concentration (*samādhi*) and filled with rapture and joy (*pītisukha*).

Then, after the fading away of rapture he dwells in equanimity (*upekkhā*) mindful, clearly conscious; and he experiences in his person that feeling of which the Noble Ones say, 'Happy lives the man of equanimity and attentive mind!' Thus he enters the *third rūpa jhāna*.

Then, after having given up pleasure (*sukha*) and pain (*dukkha*) and through the previous disappearance of elation (*somanassa*) and distress (*domanassa*) he enters into a state beyond pleasure and pain, the fourth *rūpa jhāna*, purified by equanimity and mindfulness (*sati*).

Then, through the total overcoming of the 'perceptions of matter' (*rūpa-saññā*) and through the vanishing of sense reactions and the non-attention to the perceptions of variety, with the idea 'Boundless is Space' (*ākāsānañcāyatana*), he reaches the 'Sphere of Boundless Space' the *first arūpa jhāna*, and abides therein.

Then through the total overcoming of the Sphere of Boundless Space and holding the idea 'Boundless is Consciousness' he reaches the 'Sphere of Boundless Consciousness' (*viññānañcāyatana*), the *second arūpa jhāna*, and abides therein.

Then through the total overcoming of the Sphere of Boundless Consciousness and holding the idea 'Nothing is There' he reaches the 'Sphere of Nothingness' (*ākiñcaññāyatana*) , the *third arūpa jhāna* and abides therein.

Then through the total overcoming of the Sphere of Nothingness he reaches the 'Sphere of Neither Perception nor Non-Perception' (*nevasaññā-nāsaññāyatana*), the *fourth arūpa jhāna*, and abides therein[17].

The Vibhaṅga mentions only the four *rūpa jhānas* in its list of 'Superior Human States', but as the four *arūpa jhānas* are based on the fourth *rūpa jhāna* the Samantapāsādikā includes them on the list as well.

In addition to the eight states of *jhāna* themselves, this category of '*Mahāggata* Dhamma' also includes the Supernormal Powers which can arise as a consequence of *jhāna* and which are called the six '*abhiññā*', they are:

1. *Iddhividhā* – being various supernatural abilities such as manifesting one or more copies of one's body, appearing in a different bodily form, creating a

[17] This passage is adapted from Ven. Nyānatiloka's *Buddhist Dictionary* from where further explanations of some of these technical terms may be found.

mind-made (astral) body, invulnerability, levitation, blazing forth in flames, passing through solid matter and moving an object through thought alone (telekinesis).

2. *Dibbasota* – being the 'Divine Ear' through which one can hear sounds, heavenly and human, far and near.
3. *Cetopariyaṭāna* – being the ability to 'read' the mind of another and therefore including telepathy.
4. *Dibbacakkhu* – being the 'Divine Eye' by which one can see human beings as well as non human beings, far and near, especially seeing them pass through the process of death and rebirth.
5. *Pubbenivāsānussati* – being the ability to remember past lives.
6. *Āsavakkhaya* – being the extinction of the 'cankers' (*āsava*), i.e. the attainment of Nibbāna. This sixth and *abhiññā* properly belongs to the second category of Superior Human States, the *lokuttara* Dhamma. This and the previous two *abhiññā* also comprise the '*te-vijjā*' or 'Threefold Higher Knowledge'.

Thus, *Mahāggata Dhamma* includes all the *jhānas* and many so called 'psychic powers' which are based on *jhāna*, such as telepathy, recollection of past lives and levitation. It seems probable that when such phenomena as are listed above appear in someone who is not experienced in formal meditation, they arise as a result of spontaneous *jhāna*, or from *jhāna*-like states such as the hypnotic trance, or maybe even as a result of *jhāna* attained in previous lives; these are nevertheless *Mahāggata Dhamma.*

However, there are other 'psychic' or 'occult' abilities which are *not based on jhāna* and for this reason not included under *Mahāggata Dhamma*; for example palmistry, astrology, fortune telling and other forms of divination, giving protective charms, casting malevolent spells, psychic healing, ghost-lore, and practising as a medium. These and other similar activities are listed in the Sīla Vagga of the Dīgha Nikāya under the title '*tiracchāna vijjā*', 'Bestial Knowledge', which as the name implies is far removed from 'Superior Human States'.

(b) ***Lokuttara Dhamma***

'*Lokuttara Dhamma*' refers to the series of mental states called 'Path' (*magga*) and 'Fruition' (*phala*) in which the fetters (*saṃyojana*) which bind the mind to the cycle of rebirth are gradually eradicated up to the attainment of *Arahatta Phala*, i.e. Nibbāna.

There are 10 Fetters:

> When the first three fetters – 'Personality Belief' (*sakkāya diṭṭhi*), 'Sceptical Doubt' (*vicikicchā*) and 'Clinging to Mere Rules and Ritual' (*sīlabbata parāmāsa*) – are totally eradicated, such a one is called a *sotāpanna*; claiming to be a *sotāpanna*, or claiming to have eradicated the first three fetters, or claiming the same but in different words is claiming a 'Superior Human State'.
>
> When the fourth and fifth fetters – 'Sensuous Craving' (*kāma rāga*) and 'Ill Will' (*vyāpāda*) – are substantially weakened, such a one enters the state of *sakadāgāmī*; claiming to be a *sakadāgāmī*, or claiming to have substantially

weakened the fourth and fifth fetters, or claiming the same but in different words is claiming a 'Superior Human State'.

When having eradicated the first five fetters, the last five fetters – 'Craving for the Objects of *rūpa jhāna*' (*rūpa rāga*), 'Craving for the Objects of *arūpa jhāna*' (*arūpa rāga*), 'Conceit' (*māna*), Restlessness' (*uddhacca*) and 'Ignorance' (*avijjā*) – are totally eradicated such a one attains Nibbāna and is called an Arahant; claiming to be an Arahant, claiming to have realized Nibbāna, claiming to have eradicated the ten fetters, or claiming the same but in different words is also claiming a 'Superior Human State'.

There are many ways of referring to this last and highest attainment, Nibbāna; for example claiming to have destroyed the cankers (*āsava*), that one has achieved the 'Signless Liberation' (*animitta-vimokkha*), the 'Desireless Liberation' (*apaṇihita-vimokkha*) or the 'Emptiness Liberation' (*suññata-vimokkha*), that one has realized the 'Three Higher Knowledges' (*te vijjā*), that one has perfected the 'Eightfold Path', that 'One has done that which was to be done' or that one has destroyed the *kilesas*, are all just different ways of claiming Nibbāna and are therefore included in the Vibhaṅga as claiming a Superior Human State.

In summary, Superior Human States (*uttarimanussadhamma*) are either *Mahāggata Dhamma* – *jhāna* or *jhāna* dependent powers, or *Lokuttara Dhamma* – the four stages of enlightenment or their equivalent, including any attainment which necessarily implies either of these.

Intention

When a bhikkhu deliberately lies to somebody that he has attained one of these Superior Human States, then that bhikkhu commits a *pārājika*.

'Deliberately Lying', according to the Samantapāsādikā, requires the existence of the intention to misrepresent the truth arising just prior to, and motivating, the actual statement. When this prior intention to misrepresent what one understands as the truth is absent there can be no offence of *pārājika*. For example:

- Claiming a Superior Human State which one has in truth achieved is not a *pārājika*, though it could result in a *pācittiya* under *pācittiya* 8.
- Claiming a Superior Human State which one mistakenly thinks one has achieved, through overestimation perhaps, is no offence.
- Innocently making a statement which is misconstrued to be a claim to a Superior Human State is also not an offence.
- Claiming a Superior Human State in a joke, never intending to be taken seriously, is not an offence under this rule.

- Stating, “I am enlightened” or something similar as a mere example, such as in a book explaining the Vinaya, not meaning to be taken literally is no offence (!).

- Meaning to say one thing, one gets muddled up and says something else which inadvertently comes out as a claim to a Superior Human State; this again is no offence.

There are some specific cases of the above examples mentioned in the Vinītavatthu. Whenever there is *no intention* to make false claim to a Superior Human State then there can be no offence under this rule.

The Action

(a) Gestures

A claim to a Superior Human State can be made not only through speech, but also through a written statement, or even by a gesture; when a bhikkhu, intending to deceive another into thinking that he has reached a Superior Human State, makes such a claim by any action of body, speech or body and speech combined, then he incurs a *pārājika*. An example from the Vinītavatthu of a claim by gesture is that of a group of bhikkhus who made the agreement that the first to set out from their dwelling place would, by that very gesture, be known to the rest as an Arahant. One of these bhikkhus, who was not on Arahant but wished to be regarded as one, set out first from that dwelling place and was soon known to the rest as an ex-bhikkhu having committed a *pārājika*.

(b) Hinting

When a bhikkhu, intending to convey that he has achieved a non-existent Superior Human State, makes an indirect claim, either uncertain as to the person or uncertain as to the achievement, but nevertheless he is understood to have claimed a Superior Human State, then that bhikkhu incurs a *thullaccaya*. There are several examples in the Vinītavatthu of bhikkhus making a claim ‘uncertain as to the person’:

- A bhikkhu states that whoever lives in a particular *vihāra* is an Arahant when he lives in that *vihāra*.

- A bhikkhu claims that whoever is a disciple of a certain teacher is a Perfected One when he is a disciple of that teacher.

- A bhikkhu says that whoever receives alms from a certain layperson is Enlightened when he receives alms from that layperson.

In each of these cases, the one who heard the claim understood that the bhikkhu was referring to himself and thus that bhikkhu incurred a *thullaccaya*; had the one who heard the claim not understood who was being referred to, then the bhikkhu would have incurred a *dukkata*. Of course, had the bhikkhu been definite as to the person, himself, who he claimed to have achieved the Superior Human State then he would have incurred a *pārājika*.

There is only one example in the Vinītavatthu (case number 10) of a bhikkhu who, intending to deceive others into thinking that he has attained a Superior Human State made a claim 'uncertain as to the achievement':

> A sick bhikkhu, meaning to deceive his bhikkhu-nurses into regarding him as having achieved a Superior Human State, said to them, "It is not possible that this sickness could be endured by an ordinary person (*puthujjana*)". His audience understood the hint as a claim that he was at least a *sotāpanna* and thus that bhikkhu incurred a *thullaccaya*; had they not understood what he was hinting at then he would have incurred a *dukkata*.

(c) Equivocating

There are several examples in the Vinītavatthu (case numbers 8, 9 and 13) of a bhikkhu being pressed into making a statement about his attainments and replying ambiguously. One example is that of a bhikkhu who when put on the spot prevaricated by saying, "I have attained a state attainable through the exertion of effort". Such a statement could mean anything. In the Vinītavatthu's example the bhikkhu did not intend to convey that he had attained a Superior Human State and thus there was no offence. Had he intended to put forward a false claim this would have been a case of 'Hinting'; an offence of *thullaccaya* when the hint is understood, a *dukkata* when it isn't understood.

It is not uncommon for a bhikkhu to be put on the spot by faithful laypeople asking him point-blank about his attainments and for him to respond by equivocating. Such situations usually involve no offence, just as in all the Vinītavatthu's examples of equivocating there was no offence, for the reason that there is no intention to be understood as having attained a Superior Human State; the intention, rather, would often be to create a cloud of uncertainty, to prevaricate, neither to convey that one has attained nor that one hasn't attained.

(d) Claims about Somebody Else

The original instigators of this rule, the bhikkhus from the River Vaggumuda, instead of each making claims about his own attainments, made false claims about each others attainments. This situation, however, is not mentioned either in the Vibhaṅga or in the Samantapāsādikā and is therefore not an offence under this rule, though there is likely to be a *pācittiya* for telling a deliberate lie (*pācittiya* 1).

The Result

When a bhikkhu, misrepresenting the truth, claims to have attained a Superior Human State and nobody hears him then he incurs a *dukkata*. When a bhikkhu, misrepresenting the truth, claims he has attained a Superior Human State to a *deva*, then he also incurs a *dukkata*. These two examples comprise case number 6 of the Vinītavatthu. The Samantapāsādikā extends the second example to give the same offence of *dukkata* to such a bhikkhu making his false claim to a ghost (*peta*), demon (*yakkha*) or even to an animal. To be an offence of *pārājika*, the claim has to be made to a human being and the human being has to understand what is being said!

For example, a certain bhikkhu intentionally makes a false claim that he has attained a Superior Human State to another human being:

- When that person does not hear what the bhikkhu said, then the bhikkhu incurs a *dukkata.*

- When a person hears imperfectly not catching all that was said, then the bhikkhu incurs a *thullaccaya.*

- When the person does not immediately understand the content of all that was said, asking himself, 'What did the bhikkhu say?' but some moments later he concludes that the bhikkhu was claiming a Superior Human State, then that bhikkhu also incurs a *thullaccaya.*

- But when a person understands clearly what the bhikkhu says, even though he may not know the meaning of some of the technical words such as '*jhāna*' or '*sotāpanna*' used by the bhikkhu in making the claim, then that bhikkhu is still considered to have successfully conveyed the intended message and he therefore incurs a *pārājika.*

- When the person understands immediately both what was said and this meaning but, knowing the bhikkhu well, he does not believe a word of it then that bhikkhu still incurs a *pārājika*; whether the claim is believed or not is irrelevant here.

- Lastly, when the person addressed by the bhikkhu does not understand what is said but someone else, a passer by even, overhears and understands the claim, then that bhikkhu also incurs a *pārājika.*

Three Special Cases

(a) In the Vibhaṅga's section 5 of this rule (Book of the Discipline, Vol. 1, pp. 167 – 169) there is an attempt to make an important, fine point of Vinaya which only becomes clear after consulting the Samantapāsādikā.

A bhikkhu, intending to claim one non-existent Superior Human State, for one reason or another claims a different type of Superior Human State and he still incurs *pārājika*! For instance, a certain bhikkhu, wanting to deceive somebody into thinking that he had attained first *jhāna*, muddled his words and claimed second *jhāna* thereby incurring a *pārājika.* The Samantapāsādikā explains this, and many similar rulings to be found in this section of the Vibhaṅga, by stating that even though there is some accident of speech all the ingredients for a *pārājika* are nevertheless present: there is the prior intention to put forward a false claim to a Superior Human State, motivated by this intention he put forward a false claim to a Superior Human State and, lastly, he was understood – that the claim intended and the actual claim made are both Superior Human States is crucial, that they are the same Superior Human States is irrelevant.

(b) In the Vinītavatthu (case 11) there are two examples where a lay follower, speaking with exaggerated faith or over-politeness addressed the bhikkhus as if they were all Arahants, "May the Perfected Ones come", "May the Enlightened Ones be seated". These bhikkhus were in a quandary for if they accepted that lay follower's invitations it could appear that they also accepted the title of Arahant ascribed to them

and that action could be construed as a *pārājika* for making a claim by a gesture to a non-existent Superior Human State! These bhikkhus sought the Buddha's advice and were told to accept invitations such as these from a 'speaker with faith', the point being that there is no offence in 'coming' or 'sitting' as long as the intention is just to accept the invitation and nothing more; as long as there is no intention on the part of the bhikkhu to convey any attainment there can be no offence.

(c) The Vinītavatthu (case 2) also gives examples of a bhikkhu who does not go so far as to claim a Superior Human Attainment, but engages in special practices, such as the ascetic (*dhutaṅga*) practices, vegetarianism or long periods of sitting meditation for example, out of hope that other people will esteem him for it. Such a bhikkhu incurs a *dukkata*.

Summary of the 4 *Pārājikas*

These 4 *pārājikas* rules – concerning sexual intercourse, stealing something of value, intentionally causing the death of a human being, and falsely claiming a Superior Human State – are different from all the other rules in the Pātimokkha due to the severity of the penalty involved: compulsory disrobing. Consequently, these rules have been explained in lengthy detail, just as they are treated in both the Vibhaṅga and the Samantapāsādikā and each bhikkhu is expected to take particular care to understand them thoroughly. Ignorance of these rules is no excuse, for it does not exempt the offender from the penalty. For this reason, these rules should be explained to every new bhikkhu as soon as possible after his ordination (Mahāvagga 1.77). A bhikkhu who incurs a *pārājika* automatically falls from the monkhood, immediately returning to the status of a layman with no ceremony being required. Moreover, such an ex-bhikkhu is barred for the rest of his life from re-ordaining as a bhikkhu though, according to the Samantapāsādikā (page 492) he may 'go forth' as a *sāmaṇera* (novice). Traditionally, ex-bhikkhus have been allowed to 'go forth' as *sāmaṇeras* only in cases where the Saṅgha had considered it suitable in the circumstances.

Contrary to first impressions, it is not just those bhikkhus with utterly shameless behaviour who can commit a *pārājika*; even an ordinary bhikkhu who has muddled awareness, lacks knowledge of the Vinaya and who still retains some of the unrefined attitudes which are 'acceptable' in lay life, can easily, carelessly, commit a *pārājika*. For instance, the following cases may not seem grossly immoral by lay standards, but they all result in a *pārājika* according to the Vinaya's standards:

- A bhikkhu takes an article through customs knowing that duty is required but he does not declare the item thinking that to do so would be bothersome.

- A bhikkhu responsible for some monastery business deliberately fails to inform the authorities about a matter where taxes or fees are due, thinking that he is justified to cut corners thus as everyone else (laypeople) commonly does the same.

- A bhikkhu advises a female disciple in difficult circumstances to have an abortion and she follows his advice.

- A bhikkhu encourages the relatives of a brain damaged accident victim to instruct the doctor to disconnect all 'artificial' life support machines. This is done and the victim dies as a result.

- A vain bhikkhu is put on the spot by laypeople asking about his qualification to teach meditation and, desiring to have them believe that he has experience of *jhāna*, he makes a false claim to have attained such states.

It is imperative, then, for every bhikkhu to know these *pārājika* rules well and to keep well clear of even coming near to transgressing any of them. A heedless mind can lead to an unskilful act which is close enough to a *pārājika* to make the bhikkhu fall into a deep pit of agonizing doubt. For the other rules it is usual for a bhikkhu to solve such a doubt by confessing the offence and accepting the consequences but for a *pārājika* the consequences are too serious to act thus; he is compelled to end his doubt before ending his monkhood.

The Samantapāsādikā concludes the explanation of the *pārājika* by noticing that there are virtually 24 *pārājikas* in the Vinaya as follows:

The 4 *pārājikas* for the bhikkhus.
The 4 additional *pārājikas* for the bhikkhunīs.
The 11 '*abhabba puggala*' or 'disqualified types' which are beings who should not be ordained in the first place but who if ordained by mistake must be expelled for life. Hence they are tantamount to *pārājikas*. They are:

- *Paṇḍaka* – Eunuchs and Homosexuals (see *saṅghādisesa* 2 for a fuller explanation of this term).

- 'Animals' – in particular *nāgas* and *yakkhas* who can magically assume the form of a human being.

- *Ubhatobyañjanaka* – neuters and bisexuals.

- *Theyyasaṃvāsako* – one who poses as a bhikkhu not having been ordained.

- *Titthiyapakkantako* – an ex-bhikkhu who has ordained in another sect or religion.

- *Mātughātako* – one who has murdered one's mother.

- *Pitughātako* – one who has murdered one's father.

- *Arahantaghātako* – one who has murdered an Arahant.

- *Bhikkhunīdūsako* – one who has sexually violated a bhikkhunī.

- *Lohituppādako* – one who has caused the blood of a Buddha to be shed.
- *Saṅghabhedako* – one who has instigated a schism in the Saṅgha.

The 4 '*anuloma*' (in line with) *pārājikas* which refer to the case of a bhikkhu with a long penis inserting it into his own mouth; of the bhikkhu with a supple back who does similarly; of the bhikkhu who receives oral intercourse; and of the bhikkhu who receives anal intercourse. These last two have already been discussed under *pārājika* 1 above.

Lastly, the 24th *pārājika* refers to the case of a bhikkhunī who, not disrobing, behaves more as a housewife than a bhikkhunī and is for this reason expelled.

SAṄGHĀDISESA 1

The Story

At a time when the Buddha was staying in the Jeta Grove at Sāvatthī, a bhikkhu by the name of Seyyasaka was experiencing difficulty with the celibate life and for this reason had become thin, haggard, unsightly, pallid, with his veins showing all over his body. One day Ven. Udāyin happened to meet this wretched, sickly looking bhikkhu and gave him this advice, "Now then, Ven. Seyyasaka, eat as much as you like, sleep as much as you like, bathe as much as you like and if discontent still arises in you and lust oppresses your mind then emit semen using your hands".

"But is it allowable to do such a thing?" Ven. Seyyasaka enquired.

"Of course, I do it myself", Ven. Udāyin replied.

So Ven. Seyyassaka followed this advice and after a short time he became handsome, with fresh features, a bright complexion and clear skin. The bhikkhus who were companions of Ven. Seyyasaka noticed the impressive change in the appearance of their friend and so asked him what medicinal preparation he was using. Ven. Seyyasaka told them that he was taking no medicine, just that he was eating as much as he pleased, sleeping as much as he pleased, bathing as much as he pleased and whenever discontent arose and lust invaded his mind he simply masturbated.

"What!" his friends exclaimed, "Do you, Ven. Seyyasaka, eat the alms food given by the faithful with the same hand with which you masturbate?"

"Yes", he replied.

The conscientious bhikkhus frowned upon this, complained and expressed their strong disapproval. Then, having rebuked Ven. Seyyasaka themselves, they reported the matter to the Buddha.

"Senseless man, it is unworthy, unsuitable, improper, unfitting for a bhikkhu, unallowable, not to be done! How can you, senseless man, masturbate? Has not the Dhamma been taught by me in numerous ways for the ending of lust and not for its continuance, for freedom from bondage and clinging not for their continuance? When the Dhamma has been taught by me thus, how can you deliberately behave in a way which nourishes lust, strengthens bondage and increases clinging? Senseless man, has not Dhamma been taught by me in numerous ways for the fading away of lust, for the crushing of vanity, for the disciplining of thirst, for the uprooting of attachment, for cutting off the round of rebirth, for the destruction of craving, for dispassion, for cessation, for Nibbāna? Haven't I declared in numerous ways the abandoning of sense pleasures, the full understanding of sense pleasures, the utter disciplining of the thirst for sense pleasures, the uprooting of sensual thoughts, the stilling of the fevers of sensuality? Senseless man, this will not give confidence to those yet without confidence and it will cause some with confidence to change their minds."

Having severely admonished Ven. Seyyasaka, the Buddha laid down the training rule concerning masturbation.

Rule – Translation and Synopsis

The intentional emission of semen, except in a dream, is a saṅghādisesa.

This first *saṅghādisesa* is defined in the Vibhaṅga, and explained in the Samantapāsādikā, in terms of the three factors of *intention, action,* and *result*, each of which needs to be fulfilled for a *saṅghādisesa* to occur.

Intention

Here the intention *to emit semen* is the prerequisite for an offence under this rule.

The Samantapāsādikā is inaccurate, and thus unfortunately causes some confusion, when it explains the relevant intention as the volition to 'Enjoy the emission of semen (*mocanassāda – sañcetanā*)'. This is an error of the commentator for it is clearly contrary to the Vibhaṅga, and the Vibhaṅga must always be preferred when there is such an inconsistency. The Vibhaṅga gives a list of 10 reasons why a bhikkhu might want to emit semen, 'for the sake of enjoyment' is only the second one of these reason:

- Thinking that it will be good for one's health (*ārogyatthāya*).
- For the sake of pleasure (*sukhatthāya*), that is to enjoy the pleasant feeling involved in emission.
- To obtain an ingredient for a medicinal potion (*bhesajjatthāya*).
- In order to make a gift of food to insects such as ants (*dānatthāya*).
- Thinking to make merit thereby (*puññatthāya*), by giving the semen as food to insects.
- To use it as an oblation in some sort of ritual (*yaññatthāya*).
- In order to get to heaven (*saggatthāya*), through the merit gained by giving it as food to insects for example.
- In order that children may be produced from the seed (*bījatthāya*), by artificial insemination perhaps.
- Out of curiosity or some desire to test it (*vīmaṃsatthāya*).
- For amusement or playfulness (*davatthāya*), such as a joke for example.

Thus the intention relevant here is *to emit semen* for whatever purpose, whether one means to enjoy it or not.

When there is no intention to emit semen there can be no *saṅghādisesa* under this rule.

For the first example, the Samantapāsādikā specifically states (on page 528) that a bhikkhu who fondles his penis with no intention to emit semen incurs no offence. However, such behaviour is not only utterly contrary to the purpose of the bhikkhu lifestyle, it is also extremely dangerous. When the penis has been aroused by playful fondling, the desire to carry on to ejaculation is almost certain to arise and it is difficult to resist. When the penis is excited through playful fondling, just one momentary desire to emit semen motivating the merest of touches can be enough to produce an ejaculation and cause a *saṅghādisesa*.

The Vinītavatthu gives further examples of a bhikkhu who emits semen unintentionally and for that reason incurs no offence, for instance:

- A bhikkhu rubbed an ointment onto a sore on his penis and unintentionally emitted semen.

- A bhikkhu walked in a manner where his penis repeatedly rubbed against his lower robe and he unintentionally emitted semen.

- A bhikkhu scratched an itch on his scrotum and unintentionally emitted semen.

- A bhikkhu bathed against the current in a stream and unintentionally emitted semen.

Though there is no offence for these and other similar cases, should the penis be involuntarily excited by any such means, the bhikkhu should immediately stop the cause of that excitement – by discontinuing to apply the ointment, by stopping to walk and sitting down, or by refraining from scratching his scrotum, for example – because, as mentioned in the case of fondling, whenever there is erection the desire to emit semen is likely to arise, hard to suppress but easy to accomplish. A bhikkhu in such circumstances who continues the excitation thinking that he is in control is simply being stupid and he will often as not incur a *saṅghādisesa*.

There is one further important case of unintentional emission of semen, which is always no offence, namely the emission of semen in a dream. Here, any desire to emit semen which arises within a dream does not count as a factor for *saṅghādisesa*. The case of ejaculation while asleep is to be dealt with fully later in this rule.

The Action

The action which is the prerequisite for a *saṅghādisesa* here refers to any effort, motivated by the desire to emit semen, which directly agitates the bhikkhu's own penis. The Vibhaṅga explains that such an effort can be made in any of 4 ways:

a) By using a part of one's own body – such as stroking or rubbing one's penis with one's hand or pressing between one's thighs.

b) By using an external object – such as rubbing one's penis with a stick inserting it into a hole, running through a field of flowers in such a way that the blooms repeatedly strike the genitals, pouring warm water over one's penis, or telling a friend to masturbate you.

c) By using both one's own body and something external – such as walking in such a manner that one's penis rubs against one's thighs as well as against one's robes.

d) By 'shaking the pelvis in the air' – that is swaying the middle of one's body to move one's penis up and down.

Any effort, which falls into one of these four categories and which causes one's penis to come into contact with an object hard or soft, or which causes the penis to wave in the air, fulfils the factor of 'Action' in this rule.

Any effort, according to the Vibhaṅga and the Samantapāsādikā, which stimulates the penis indirectly, is not included under the factor of 'Action'. For example, from the Vinītavatthu, the bhikkhu who intending to emit semen deliberately thought sexual fantasies but made no other physical effort to stimulate his penis incurred no offence when he successfully emitted semen. But even though there is no offence, it cannot be stressed strongly enough that indulgence in such thoughts is thoroughly blameworthy and runs completely against the very purpose of being a bhikkhu. Also, such indirect stimulation of one's penis by whatever means is dangerously close to a *saṅghādisesa*; when one is already sexually excited, through fantasizing for example, all it takes is some slight effort, such as turning from laying on one's side to laying on one's belly, done to help bring about the emission of semen, to cause an ejaculation and produce a *saṅghādisesa*.

Another example, this time from the Samantapāsādikā, is that of a bhikkhu who, intending to emit semen, massaged his hands or feet, or some other part of his body beyond the genital region, in such a sensuous way as to bring about an erection and ultimately emitted semen. He incurred no offence for there was no direct stimulation of his penis.

A bhikkhu who deliberately looks at the genital region of women, girls or even female animals incurs a *dukkata* even when that part of the body is covered with many layers of cloth. Thus, a bhikkhu who deliberately looks at pornographic photographs or films would also incur a *dukkata*. But in the case of a bhikkhu who deliberately stares at the naked genital area of a woman hoping to have an ejaculation, should he emit semen there is no offence beyond the aforementioned *dukkata*. Staring is another example of indirect stimulation of the penis. However, should such a bhikkhu intending to bring an emission of semen make the slightest effort which directly agitates his penis, such as crossing his legs for example, and this contributes to the eventual ejaculation of semen then that bhikkhu incurs a *saṅghādisesa*.

A bhikkhu who for reasons of lust touches another man's, boys or animal's (of either sex) genitals incurs a *dukkata*[18]. When a bhikkhu takes hold of another person's penis aiming to have an ejaculation himself and he does so then the Vinītavatthu gives no offence of *saṅghādisesa* because the effort involved did not directly agitate the bhikkhu's own penis; the offence therefore was a *dukkata*.

The Result

When *semen is emitted* from a bhikkhu as a consequence of his effort which was aimed at such an emission and which involved a direct agitation of his own penis, then that bhikkhu incurs a *saṅghādisesa*.

According to the Vibhaṅga 'emission' is defined as 'when the semen moves from its place of origin', and 'semen' is not defined at all except that it can come from the place of origin of semen. The Vibhaṅga concludes that semen originates throughout the whole body, and as far as the nature of semen is concerned it inadvertently confuses the issue by saying that semen can be emitted in tiny amounts of a quantity just sufficient for one mosquito to imbibe! It is therefore necessary to go beyond the ancient texts to modern biology to understand the nature of semen and the way it is released:

> Sperm is stored in its own fluid in the epididymis, a sac located in the testicles. On first sexual arousal, well before ejaculation, fluid in tiny quantities is secreted into the urinary tract from the prostate gland and from the Cooper's gland. These two fluids combined produce the small quantity of liquid which appears at the end of the penis as a result of mild sexual excitement, without any orgasm. This liquid is not what is meant by '*sukka*', the Pāli word generally translated as semen, and its emission from the urinary tract is not a factor of the present *saṅghādisesa*. When the sexual climax is eventually reached through stimulation of the penis, the sperm surges out, it does not 'ooze' out from the epididymis into the urinary tract. Just before it reaches the prostate gland it passes another gland and incites the secretion in large quantities of seminal fluid. This seminal fluid is the major component of what is eventually emitted. The sperm mixes with the seminal fluid and, passing by the prostate and Cooper's glands, mixes with the fluids previously secreted from these. This mixture of fluids and sperm is what exits from the penis, usually forcefully and accompanied by the intensely pleasurable sensation called 'orgasm', and this is *sukka* or semen.

The liquid, then, only becomes 'semen' when the last ingredient is added in that part of the urinary tract which is opposite the Cooper's and prostate glands, and therefore the moment when 'semen moves from its place of origin' occurs when this mixture moves downstream from there. This fine point is made just to clarify the Vibhaṅga's definition, 'When it moves from its place of origin'. In actuality, once the sperm has rushed out of the epididymis into the urinary tract the whole process is irreversible. Even if one pinches the end of on one's penis after the sperm has left the epididymis,

[18] Though touching the genitals of a cow out of lust is a *thullaccaya* (Mahāvagga 5.9).

the semen will nevertheless be constituted and move from its place of origin, opposite the Cooper's and prostate glands to the urinary tract; thus the factor of 'Result' is fulfilled, semen is emitted, even before it leaves the end of the penis.

A vasectomy is an operation which isolates the epididymis from the urinary tract, by closing or severing the connecting tubes, so that the vital component of procreation, the sperm, does not enter the urinary tract. However, a man who has had such an operation can still experience a sexual climax and emit the mixture of seminal fluid, Cooper's Gland Fluid and Prostate Gland Fluid. As the major constituent of 'semen', the seminal fluid, is still present in this mixture it is appropriate to regard this fluid also as 'semen' or *sukka*. Thus a bhikkhu, who has had a vasectomy, when he was a layman perhaps, can still incur a *saṅghādisesa* for the intentional emission of semen in the same way as other bhikkhus.

The 3 Factors – Intention, Action and Result – and the Offences Incurred

When there is no intention to emit semen there can be no offence. When there is the desire to emit semen but one makes no attempt to emit semen then whether or not semen is emitted there is no offence.

When there is an intention to emit semen and one makes an indirect attempt to stimulate one's penis then even if semen is emitted there is no offence (though as has been said before, this is gross behaviour and dangerous brinkmanship).

When there is an intention to emit semen and there is a direct attempt to stimulate one's penis but these are not connected, that is the intention to emit semen is not what motivates the action, then again there is no offence. For example, a bhikkhu applies an ointment to a sore on his penis which becomes aroused and this brings up the desire to emit semen. The bhikkhu sensibly stops applying the ointment, calms his mind and dispels the desire to ejaculate. Having purified his mind he innocently starts rubbing the ointment in again and accidentally emits semen – no offence.

When there is an intention to emit semen and this motivates the bhikkhu to directly agitate his penis, but the bhikkhu stops and no semen is emitted, then he incurs a *thullaccaya*. For example, an unrestrained bhikkhu overcome by sensual thoughts and intending to emit semen strokes his penis with hands, arousing his genital organ and causing Cooper's and prostate gland fluids to ooze out onto its tip. But the bhikkhu, coming to his senses and feeling shame, stops before the climax and as semen is not emitted he incurs a *thullaccaya*. Even a bhikkhu who, motivated by the desire to emit semen, merely touches his penis once incurs a *thullaccaya*.

When there is an intention to emit semen and this motivates a direct stimulation of one's penis which results in semen moving from its place of origin then there is a *saṅghādisesa*. Even in the following case the bhikkhu incurs a *saṅghādisesa*. A bhikkhu intending to emit semen masturbates using his hands but just when the sexual climax is about to begin he becomes fearful of a *saṅghādisesa*, changes his mind and stops masturbating. However, the climax comes on and semen is emitted. Even though the semen moved from its place of origin after he had changed his mind, but was nevertheless emitted as a result of direct stimulation of his penis which was

motivated by the earlier intention to emit semen – the 3 factors are fulfilled and therefore the bhikkhu incurs the *saṅghadisesa.*

Summary: *No intention = no offence*

Intention + no action = no offence

Intention + action + no emission = thullaccaya

Intention +action + emission = saṅghādisesa

Except in a Dream

The 'intentions' and 'actions' that occur while a bhikkhu is asleep do not count as factors for a *saṅghādisesa.* Thus a bhikkhu who has a wet dream where both the 'intention' and the 'action' which produced the emission occurred as part of a dream incurs no offence. Even when the 'intention' occurs while awake but the 'action' occurs while asleep then there is no offence when semen is emitted. For example, a bhikkhu goes to sleep hoping for a wet dream, turns onto his belly during a dream and consequently emits semen – no offence. But if the 'intention' and the 'action' both occur while awake and they result in an emission of semen while asleep then there is a *saṅghādisesa*; for example a bhikkhu goes to bed hoping that he will have a wet dream and to help this along he goes to sleep on his belly with a pillow beneath his groin, as a consequence he emits semen while asleep and incurs a *saṅghādisesa.* Thus the phrase 'Except in a dream' qualifies the factors of 'intention' and 'action' only; whether the semen is emitted while asleep or when awake is of no consequence.

There is a further possibility of *saṅghādisesa* relating to states of sleep which can occur just after a bhikkhu wakes up. For example, a bhikkhu awakes just before the climax of a wet dream; he has a momentary desire to bring about an emission of semen and merely touches his penis straight away. Both the 'intention' and the 'action' occurred in the waking state and there was a consequent emission of semen, therefore this bhikkhu incurs a *saṅghādisesa.* The great danger to a bhikkhu, who wakes up sexually aroused as a result of an interrupted erotic dream, is that in this condition the amount of effort required to commit a *saṅghādisesa* is tiny. Thus a bhikkhu has to be very wary indeed when waking up in such a state.

However, sometimes a bhikkhu emerges from sleep into a state of dullness, not fully aware, taking a minute or two to gather himself. 'Intentions' and 'actions' made in such a state, being half awake, half asleep, do not count as ingredients for a *saṅghādisesa.* The Samantapāsādikā states, in its explanation of 'Intention', that to commit a *saṅghādisesa* it is required that 'one knows that one is making an effort to emit semen, and one perceives that one is bringing about an emission of semen'; if the bhikkhu claims, in all honesty, that he was not fully awake, to the extent that he didn't realize that 'he was making an effort to emit semen, he was bringing about the emission of semen', then he is exempt from an offence.

An interesting case specifically mentioned in the Samantapāsādikā is that of a bhikkhu waking up at the final stage of a wet dream, just as semen is about to be

emitted, and who pinches the end of his penis to stop the semen soiling his bedding; there is no offence because the bhikkhu's action was not motivated by the desire to emit semen. Even if such action causes more semen to move from its place of origin, there is still no offence for the factor of 'intention', to emit semen, is absent.

A Special Case

The Samantapāsādikā states that a bhikkhu who, aiming at sexual intercourse is unsuccessful, but nevertheless does emit semen in the process incurs a *dukkata* (being the offence for an incomplete attempt at sexual intercourse). The reasoning behind this is that when the intention is not to emit semen, there can be no offence under *saṅghādisesa* 1. Though this may be true in theory, in practice such a shameless bhikkhu is likely to commit offences even more gross than a *dukkata*. In the foreplay to sexual intercourse, when lust is already obsessing the mind, many desires and intentions will run through the minds of the participants and the desire to emit semen is one of the most probable. Thus, if semen is emitted then it is more likely than not to have been intentional. Then, there is almost certain to be a *saṅghādisesa*, from the second rule in this section, for intentionally coming into physical contact with the object of one's lust, performed as part of the fore-play to sexual intercourse. Then, one can argue that as sexual intercourse necessarily involves the emission of semen; the intention to perform sexual intercourse will include the intention to emit semen; therefore emitting semen prematurely, during the build up to sexual intercourse, still counts as intentional and results in a *saṅghādisesa*.

SAṄGHĀDISESA 2

The Story

At one time, Ven. Udāyin was living in the forest, just beyond the Jeta Grove. His dwelling was beautiful, charming and gracious. The inner chamber was in the middle, entirely surrounded by the outer rooms. The bed and chair, the pillows and bolsters were well arranged, the water for washing and drinking was well placed, the surrounding area well swept. Many people came to have a look at Ven. Udāyin's dwelling. Even a certain Brahmin together with his wife went to where Ven. Udāyin was staying, and on arrival said, "We would like to have a look at your dwelling".

"Very well then, Brahmin, have a look." Taking the key, unfastening the lock and opening the door, he entered the dwelling. The Brahmin entered after Ven. Udāyin; the Brahmin lady entered after the Brahmin. Then Ven. Udāyin, opening some of the windows and closing others, walking around the inner room and coming up from behind, rubbed up against the Brahmin lady limb by limb.

After a while, the Brahmin, having exchanged pleasantries with Ven. Udāyin, left. Delighted, he burst out with an exclamation of joy; "How splendid are these bhikkhus who live in such a forest! And how splendid is Ven. Udāyin who lives in such a forest!"

When he had said this, his wife said to him, “What’s splendid about him? Just as you rub up against me limb by limb, so too did he rub up against me limb by limb!”

Then the Brahmin was offended and annoyed and spread it about; “How shameless are these bhikkhus, how immoral and hypocritical! ... How can this bhikkhu Udāyin rub up against my wife limb by limb? It is not possible to go with womenfolk to a monastery; if one does go to a monastery or to a dwelling with one’s womenfolk they will be molested by the bhikkhus!”

When the Brahmin’s criticism was heard by the Buddha, Ven. Udāyin was summoned and sternly admonished for his foolish behaviour. Then the Buddha established the rule concerning physical contact with women.

Rule – Translation

Should any monk, overcome by lust, with altered mind, engage in bodily contact with a woman, or in taking her hand, taking a lock of her hair or caressing any of her limbs, it entails initial and subsequent meetings of the community.

Rule – Synopsis

With lustful intentions, coming into physical contact with a woman is a saṅghādisesa.

This rule will be explained by considering it as composed of four factors, each of which needs to be fulfilled for there to be an offence of *saṅghādisesa*: *the intention, the action,* and *the perception*

The Intention

The factor of Intention is expressed in the ‘Rule – Translation’ by the phrase, ‘Overcome by lust, with altered mind’, and this phrase is further explained in the Vibhaṅga as follows:

> Over come by lust means that one is infatuated, full of desire, physically in love with somebody. With altered mind means that one’s mind is impassioned, corrupt and erring.

These definitions suggest that a rather intense and prolonged state of lust is required to fulfil the factor of intention. However, the Samantapāsādikā explains that less ardent forms of lust are also sufficient to produce the motivation leading to a *saṅghādisesa*; even a momentary impulse to touch the hand of an attractive young woman will, when acted upon, result in a *saṅghādisesa*. This interpretation of the Samantapāsādikā describes the obvious purpose of this rule more precisely and therefore the factor in intention is here defined as: *any desire for the sexual pleasure of physical contact with a woman.*

Intentionally coming into physical contact with a woman for reasons other than lust does not result in a *saṅghādisesa*, but it may result in other offences; there are only two leading cases to be found in the Vinayapiṭaka, the first from the Vinītavatthu of this rule, the second from the Vibhaṅga of this rule:

- A bhikkhu who hugs his mother, or kisses his sister, or touches any other female relative, out of feeling of familial affection incurs a *dukkata*.

- A bhikkhu, who, in an attempt to repel the unsolicited sexual advances of an impassioned young woman, hits her or pushes her away in his bid to escape, incurs no offence.

The Samantapāsādikā, however states that *all* intentional physical contact with a woman for whatever reason (other than lust) is a *dukkata*. The Samantapāsādikā then goes on the establish the concept of *anāmāsa*, a list of items not to be handled by a bhikkhu for if they are intentionally touched he incus a *dukkata*, and women are at the head of this list. Many conscientious bhikkhus have questioned the authority and the propriety of this opinion of the Samantapāsādikā. They question the authority for it has no support from the Vinayapiṭaka; of the only two relevant examples in the Vinayapiṭaka, both just quoted above, one clearly contradicts the concept of '*anāmāsa*' by giving no offence. They question the propriety for it would result in absurd situations such as the example given in the Samantapāsādikā of the scrupulous bhikkhu unwilling to dive in to save his mother drowning in a river; they ask whether a bhikkhu should be hesitating through fear of a *dukkata* from pushing a young girl out of the path of an oncoming vehicle, or from grabbing the arm of an old woman to prevent her falling? Here we would agree with such bhikkhus and follow the Vinayapiṭaka alone: that is, there is a *dukkata* for intentional physical contact with female relations motivated by familial affection, but no offence for intentional physical contact with women for other lust-unrelated reasons. However, we add the warning that a bhikkhu should only agree to such contact with women when it is absolutely necessary, to avoid injury for example, because once contact with a woman is felt, lust is easily aroused and a second contact might sadly result in a *saṅghādisesa*.

When there is no intention to come into physical contact with a woman then there is no offence. For example a woman collides with a bhikkhu in a busy street and there is no offence; a bhikkhu who stumbles and bumps into a woman, as in the following from the Vinītavatthu:

> Now at one time many women, pressing up to a certain bhikkhu, led him about arm-in-arm.… The Buddha said "It is not an offence, bhikkhu, as you did not consent."

Action

'Coming into physical contact' is defined as any part of the bhikkhu's body touching any part of the woman's body. Hair is included as part of the body but the clothes being worn, are not. Therefore, a bhikkhu who, for the sake of sexual pleasure,

caresses a woman's body, holds her hand, strokes her hair, kisses her cheeks, touches her flesh or even slaps her face, incurs a *saṅghādisesa*.

When a bhikkhu, motivated by the desire for sexual pleasure, touches some thing connected to a woman's body, or he touches her body with an object connected to his body, then the bhikkhu incurs a *thullaccaya*. for example, a bhikkhu commits a *thullaccaya* when, motivated by lust, he fondles the edge of a woman's skirt, or he deliberately brushes his robe against her, or he rubs her with his bowl when receiving alms food, or he pulls a stick when she is holding the other end, or he pats that part of her coat covering her buttocks. The Samantapāsādikā raises the excellent point of a bhikkhu, motivated by lust, touching a part of the woman's body covered only by a thin garment; it states that bodily hairs are likely to penetrate a delicate material and if a bhikkhu's body contacts just one of her hairs, or if one of his bodily hairs penetrates the fine material to touch her body, then he incurs not a *thullaccaya* but a *saṅghādisesa*! As nearly all the human body is covered with fine hairs, this subtle ruling should give a *saṅghādisesa* to any bhikkhu who, motivated by lust, caresses a woman's flesh thinly veiled in a flimsy dress.

When the contact is more remote the offence becomes a *dukkata*. For example, motivated by lust, a bhikkhu using some object connected with his body touches something in contact with her body, such as touching her dress with his robe, or he amorously tosses an item such as a flower onto her, or being infatuated he shakes the tree up which she has climbed (from the Vinītavatthu), the bench on which she is sitting or the wooden bridge on which she is standing – in each of these cases the bhikkhu incurs a *dukkata*.

When the bhikkhu makes no effort whatsoever to come into physical contact with a woman then there is no offence. Even when he desires such contact but, restraining himself, he performs no action of body or speech to bring the contact about then again there is no offence[19].

For example, a bhikkhu, entranced by a beautiful woman, remains motionless while she approaches him, embraces him and kisses him passionately; even if he enjoyed every minute of the contact as long as he made not the merest of efforts of body or speech to encourage, assist or prolong the encounter then he incurs no offence. However, in such a case, the slightest effort to cooperate would result in a *saṅghādisesa* for the bhikkhu; for example, if the bhikkhu went to the home of this woman in the hope that such a situation would occur, or he winked at her desiring to encourage such advances, or he instructed her what to do, or he lifted one finger to make the contact possible – then he would have incurred a *saṅghādisesa*.

Another example is that of a bhikkhu who, motivated by lust, positions himself by the exit of a crowded bus or train hoping that one of the pretty young women passengers will rub past him as they go out; should bodily contact occur then that bhikkhu incurs a *saṅghādisesa*.

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[19] The Samanṭapāsādikā states that this second *saṅghādisesa* can occur only through the 'mind-door' and 'body-door' combined, but we hope to have shown that it may also be originated by the combination of 'mind-door' and 'speech-door' as well.

A further example is the Vinītavatthu's interesting story of a woman lay follower holding the feet of a bhikkhu in order to touch them with her forehead as a mark of respect (a tradition still common in Burma). The bhikkhu, enjoying the contact, lifted his foot in order to experience the sexual delight of the woman's hand rubbing his ankles, and for that he incurred a *saṅghādisesa.* This is to be compared with another example from the Vinītavatthu, already quoted under the passage on 'Intention' above, of the *unwilling* bhikkhu being led arm-in-arm by many women and incurring no offence.

The Object

The offence of *saṅghādisesa* is for coming into bodily contact with a *woman* for reasons of lust. Here, the term 'woman' is defined as all living, female human beings, even one newly born. Thus sexually molesting very young girls, even baby girls, is a *saṅghādisesa.*

When a bhikkhu, motivated by lust, comes into bodily contact with a dead woman, a female supernatural being (that is a *yakkha*, *nāga* or *peta* – demons, dragons or ghosts) or with a '*paṇḍaka*' then he incurs a *thullaccaya.* A '*paṇḍaka*' is a term difficult to pin down as a type of being recognisable today; the Samantapāsādikā describes 5 types of *paṇḍaka* (page 1015f).

1. *Āsitta*: one who enjoys having homosexual acts done to him, in particular accepting oral intercourse.

2. *Usuyya*: one who likes to see others having sexual intercourse.

3. *Opakkamiya*: one who has been castrated, that is a eunuch.

4. *Pakkha*: one who is a *paṇḍaka* in only one of the half lunar months.

5. *Napuṃsaka*: one of no sex from birth, that is a neuter.

The Mahāvagga (1.61) states that a *paṇḍaka* is prohibited upasampada (bhikkhu ordination), and if 'it' is ordained by mistake it must be expelled. The Samantapāsādikā goes further to say that an *āsitta* and a *usuyya* may become *sāmaṇeras*, a *pakkha* may be a *sāmaṇera* during the fortnight that he is not a *paṇḍaka* (!), but an *opakkamiya* and a *napuṁsaka* are prohibited even from becoming a *sāmaṇera.* It is very likely that '*paṇḍaka*' refer to people raised by their parents since childhood as such, for the sake of a profession, and it does not include males who have had homosexual leanings.

When a bhikkhu, motivated by sexual desire, comes into indirect contact with a dead woman, a female supernatural being (*yakkha* etc.) or a *paṇḍaka*, such as fondling the shroud worn by a dead woman for example, then he incurs a *dukkata.*

When a bhikkhu, motivated by sexual desire, comes into physical contact, direct or indirect, with a man, a dead man, a male supernatural being, an animal of either

gender, or with a doll or a manikin, then he incurs a *dukkata*. There is one anomaly here though, for the Mahāvagga (5.9) specifically gives the more severe offence of *thullaccaya* to a bhikkhu who, motivated by lust, touches the genital regions of a cow; for all other animals the same action results in a *dukkata*. The texts give no explanation.

The Perception

To be a *saṅghādisesa*, it is required that a bhikkhu is motivated by lust, that he achieves bodily contact with the object of his lust, that object is a woman, and – the final factor – he perceives the object of his lust as a woman.

When, with lustful intention, a bhikkhu comes into bodily contact with another type of being, mistakenly thinking that it is a woman, or that it may be a woman, then he incurs a *dukkata*. For example a bhikkhu who, motivated by lust, caresses the limbs of a transvestite thinking that he is a woman, incurs a *dukkata*.

When, with lustful intentions, a bhikkhu comes into bodily contact with a woman, mistakenly thinking that it is another type of being, or not being sure, he incurs a *thullaccaya*. For example a bhikkhu with homosexual tendencies who, from motives of lust, sexually molests a young ‘tom-boy’, thinking her to be a young boy, incurs a *thullaccaya*.

Then the last permutation is when a bhikkhu, motivated by lust, comes into bodily contact with a certain type of being other than a woman, mistaking it to be a different type of being excepting a woman, or not being sure what type of being it is, then, the offence is a *dukkata*.

SAṄGHĀDISESA 3

The Story

Now at the time Ven. Udāyin was living in the forest, just beyond the Jeta Grove. One day, many women came to the monastery to have a look at his dwelling. They went to where he was staying and on arrival said to him, “Ven. Sir, we would like to have a look at your dwelling”. Then Ven. Udāyin, showing the dwelling to these women and referring to their genital and anal orifices, praised and criticized and begged and implored and asked and quizzed and advised and instructed and ridiculed them. Those of the women who brazen, shameless and sly giggled at Ven. Udāyin, exclaimed to him, laughed aloud and teased him; while those of the women who had a sense of shame, on leaving, complained to the bhikkhus; “It is improper, Ven. Sirs, and unbecoming! Even by our husbands we would not like to hear this sort of thing said, much less by Master Udāyin”.

When the Buddha was told of Ven. Udāyin's wanton misconduct he summoned him, admonished him and then established the third *saṅghādisesa* rule concerning flirting with a woman.

Rule – Translation

Should any monk, overcome by lust, with altered mind, address lewd words to a woman, in the manner of a young man to a you a young woman, alluding to sexual intercourse, it entails initial and subsequent meetings of the community.

Rule – Synopsis

Flirting with a woman, mentioning her or his genitals, anus or sexual intercourse, is a saṅghādisesa.

The Sāratthaddīpanī-Ṭīkā (the sub-commentary) lists five factors which when complete result in a *saṅghādisesa*:

1) The bhikkhu speaks from lust
2) he flirts using lewd words
3) he speaks to a woman
4) he perceives her to be a woman
5) she immediately understands.

Here, we will treat each of these factors separately under the headings *Intention*, *Action*, *Object*, *Perception* and *Result*.

Intention

The 'Rule – Translation' and the Vibhaṅga express the prerequisite factor of intention precisely as in the previous rule. 'Overcome by lust – infatuated, full of desire, physically in love with somebody; with altered mind – a mind that is impassioned, corrupt and erring'. However, as in the previous rule, the Samantapāsādikā makes it clear that it is not required that one is totally abandoned to lust; even a momentary sexual impulse prompting one lewd word is enough to result in a *saṅghādisesa*. Thus at one end of the scale flirting would be the deliberate prelude to bodily contact or sexual intercourse, while at the other end of the scale of lust flirting would be done to tease the woman or further excite oneself a little. Thus one can accurately summarize the factor of intention for this rule as: *the impulse to speak in order to gratify a sexual desire*[20].

When there is no intention to speak for the purpose of gratifying a sexual desire then there can be no offence. For example, a bhikkhu, explaining the first *pārājika* in a

[20] When a bhikkhu speaks lewd words out of anger to offend then this would come under *pācittiya* 2. Should he speak such words as part of a 'dirty' joke then this is not covered by a rule in the Vinaya, though it is obviously a highly inappropriate way to use one's speech.

discourse on the Vinaya, mentions different types of sexual intercourse and refers to the female genitals and anus by name, but he speaks with a pure mind free of lust. Even if there is a woman in the audience and she becomes excited, or offended, then there is still no offence for the pure minded bhikkhu.

As another example, a bhikkhu, delivering a prepared lecture on 'loathsomeness of the body' (*asubha-bhāvanā*) which specifically mentions the female genitals, notices an attractive woman in the audience and through unwise attention lust arises within him. Nevertheless he continues following his script and incurs no offence because the motivation which caused him to say lewd words was not lust. However, should he embellish his talk, because of his lust, with further mention of the female genitals, then he incurs a *saṅghādisesa*.

Action

The Vibhaṅga describes flirting when it uses the phrase, 'Just as a young man would court a young woman'. Obviously, the form of such speech would depend on the social conventions of the time and place at which they were spoken. To be a *saṅghādisesa*, though, the speech must include the terms 'female genitals', 'anus' or 'sexual intercourse', or terms synonymous with these including well known slang expressions. For example[21], a bhikkhu who is overcome by lust asks a woman, 'Will you sleep with me?' To sleep with someone is another way of saying to have sexual intercourse, and therefore the bhikkhu incurs a *saṅghādisesa*.

When a bhikkhu, motivated by lust, speaks of the female genitals, anus or sexual intercourse in a roundabout way, but his meaning is nevertheless understood immediately, then he incurs a *thullaccaya*. For example, a bhikkhu who is infatuated by a woman asks her, "Will you stay the night?" The woman understands immediately that the bhikkhu is referring to sexual intercourse and therefore he incurs a *thullaccaya*.

When the impassioned bhikkhu speaks in a roundabout way about these three subjects and he is not immediately understood by the woman, then he incurs a *dukkata*. For example, a bhikkhu who is sexually aroused in the presence of beautiful woman asks her, "How do you do 'it' with your husband?" The woman thinking that the bhikkhu must be referring to meditation practice replies, "We sit together for an hour watching the breath every day before breakfast", and the bhikkhu incurs a *dukkata*. Even when the woman understands a short while later, "Oh, you mean, how do I make love with my husband?", then the offence is still a *dukkata*.

When a sexually excited bhikkhu flirts with a woman mentioning any part, or parts, of her body in the region from the knees up, from the neck down and from the elbows

[21] Unfortunately, there are no relevant examples of lewd speech worth quoting here either from the Vinītavatthu or from the Samantapāsādikā. This is because the phrases which were then common innuendos for sexual intercourse or for the female genitals are no longer understood as such. Consequently, we have created some examples of our own which we hope will not offend some readers; they are composed only to illustrate the point using situations and language which might occur.

inward, excluding the female genitals, anus or sexual intercourse, then he incurs a Thullaccaya. For example, the lascivious bhikkhu who tells a woman, "You have a beautiful figure", incurs a *thullaccaya*. When such a bhikkhu flirts using roundabout speech about these parts of her body then he incurs a *dukkata*.

When a lustful bhikkhu flirts with a woman mentioning directly or in a roundabout way, that part of her body below the knees, above her neck and out from her elbow, then he incurs a *dukkata*. For example, the impassioned bhikkhu who tells a woman that she has beautiful doe-like eyes commits a *dukkata*. When such a bhikkhu flirts with a woman mentioning directly or obliquely an article of her dress or some other adornment of hers, such as her jewellery or her scent, then the offence is also a *dukkata*.

Lewd words can just as easily be expressed through writing and therefore writing a lewd letter, such as a bhikkhu might do to an ex-girlfriend, would receive the same penalty as if one had spoken to her directly.

The Object

To be an offence of *saṅghādisesa*, the lewd words must be spoken to a *woman experienced enough to understand what is lewd speech and what is not*, that is she knows the sexual implications of the words used.

Flirting, mentioning the genitals, anus or sexual intercourse with a *paṇḍaka* or with a supernatural being (*yakkha*, *nāga*, or *peta*) is a *thullaccaya*.

Flirting, mentioning other bodily parts or dress with a *paṇḍaka* or with a supernatural being is a *dukkata*, as is flirting mentioning any bodily part, article of dress or sexual intercourse with a man. For example, a bhikkhu with homosexual tendencies becomes sexually excited in the presence of another young bhikkhu and starts speaking lewdly about the genitals and about the anus – he incurs a *dukkata*.

The unlikely case of a bhikkhu flirting with a girl too young to understand lewd speech is not mentioned in any of the texts, though the more probable situation of a bhikkhu flirting with such a girl mistakenly thinking that she is mature enough to understand will be dealt with below, in the section on 'Perception'.

Perception

To be a *saṅghādisesa*, the bhikkhu must perceive that the person he is addressing is a woman.

Should a bhikkhu, motivated by lust, flirt with a woman who does not know what is lewd speech and what is not, or with a man or with a *paṇḍaka*, mistakenly thinking that one is speaking to a mature woman, then the offence is a *dukkata*. For example, a bhikkhu, motivated by lust, flirts with a man dressed as a woman, thinking he is a woman, and incurs a *dukkata*.

Should a bhikkhu, motivated by lust, flirt with a woman mature enough to know the meaning of lewd speech, but he mistakenly thinks that he is addressing somebody else, an immature girl or a man for example, the offence is a *thullaccaya* when he mentions the genitals, anus or sexual intercourse, or an offence of *dukkata* when he does not.

The Result

According to the Sāratthadīpanī-Ṭīkā (the sub-commentary) the final necessary factor of the *sanghādisesa* offence is that the woman understands immediately what has been said. For example, a bhikkhu motivated by lust flirts with a woman mentioning sexual intercourse:

- When the woman does not hear the lewd words spoken the offence is a *dukkata.*

- When the woman hears but does not understand that he has mentioned sexual intercourse, it is a *thullaccaya.*

- When the woman hears and only understands a short while later that the bhikkhu mentioned sexual intercourse then this is also a *thullaccaya.*

- When the woman hears and immediately understands what the bhikkhu has said then it is a *saṅghādisesa.*

Summary

This third *saṅghādisesa*, concerning flirting with a woman, is committed when a bhikkhu, motivated by lust, speaks mentioning the female genitals, anus or sexual intercourse, to a woman mature enough to know the sexual implications of what he says, perceiving her to be such a mature woman and she understands what is said.

SAṄGHĀDISESA 4

The Story

At one time, a certain woman, widowed, was beautiful, appealing and gracious. So Ven. Udāyin, arising early in the morning, taking his robe and bowl, went to that woman's residence. On arrival he sat on the appointed seat. Then the woman, approaching him and paying him homage, sat down to one side. As she sat there, Ven. Udāyin instructed, urged, roused and encouraged her with a talk on Dhamma. Then the woman, instructed, urged, roused and encouraged with the talk on Dhamma by Ven. Udāyin, said to him,

> "Tell me, Venerable Sir, what the master has need of which we are able to give, that is robe-material, almsfood, lodgings or medicines for times of sickness". "Those are not hard for us to come by, sister… Give simply that which is hard for us to come by."
>
> "What is that, Venerable Sir?"
>
> "Sexual intercourse."
>
> "Is it needed, Venerable Sir?"
>
> "Yes, sister!"
>
> "Then come, Venerable Sir," she said, and entering into an inner room she undressed and then lay back on the bed. Ven. Udāyin then approached the woman's side, bent over, looked and spat on the woman's sex organ saying, "Who will use this pit of evil-smelling impurity?", and he left.

The widow was outraged and proceeded to speak out against the bhikkhus as if they were all shameless, immoral, liars. When the Buddha heard about the cause of this woman's tirade against the Saṅgha, he summoned Ven. Udāyin, admonished him again for his misconduct and then established the fourth *saṅghādisesa*.

Rule – Translation

Should any monk, overcome by lust, with altered mind, speak in the presence of a woman in praise of ministering to his own sensuality thus: "This, sister is the highest ministration, that of ministering to a virtuous, fine-natured follower of the chaste life, such as myself, with this act" – alluding to sexual intercourse – it entails initial and subsequent meetings of the Saṅgha.

Rule Synopsis

With lustful intentions, recommending to a woman sexual intercourse with oneself is a saṅghādisesa.

This rule is a special case of the previous rule, the third *saṅghādisesa*, and so the Samantapāsādikā discusses it only briefly, referring back to its treatment of the previous rule for further explanations.

As before, the factor of intention, necessary for any offence here, is *to gratify a sexual desire*; this can be anything from the desire for sexual intercourse to the desire for merely talking about sex. When there is no such intention there can be no offence, though it is hard to imagine such words being spoken in circumstances other than lust.

The factor of 'Action' is fulfilled when one speaks such words as mention sexual intercourse, or phrases synonymous with sexual intercourse including well known slang expressions, and which recommend such an act between the bhikkhu and the

woman. Already we have an example of such speech in the origin story to this rule. Another example, from the Samantapāsādikā is that of a bhikkhu, motivated by lust, who says to a woman, “I am of the warrior (Khattiya) caste, you are of the warrior caste, it is suitable then for us to have sexual intercourse”, and thereby incurs a *saṅghādisesa* under this rule. In this example, should the bhikkhu have spoken in a roundabout way, such as; “We are of the same caste, therefore you should give it to me”, and she immediately understands that he is recommending sexual intercourse, then he would have incurred a *thullaccaya*; if the woman did not immediately understand, the offence would have been a *dukkata*.

As in the previous rule, to be a *saṅghādisesa* such words must be spoken to a woman old enough to understand their sexual implications, the bhikkhu perceives her to be a woman of such maturity, and she understands.

Addressing such words to a *paṇḍaka* results in a *thullaccaya*, while if they are addressed to a man it is a *dukkata*, as in the previous rule.

SAṄGHĀDISESA 5

The Story

At one time, in Sāvatthī, Ven. Udāyin used his position of trust as a bhikkhu to arrange marriages among the families of his lay supporters. Some of these marriages that he arranged turned out well, some not so well. Eventually he became involved in arranging a disastrous marriage in which the wife was treated no better than a slave girl. The wife was desperately unhappy and wrote to her mother. Her mother went to her in-laws to protest but was turned away. The mother then approached Ven. Udāyin but he too was powerless to intervene.

The young wife began to blame Ven. Udāyin, “May the Master Udāyin be wretched, miserable and find no happiness, just as I am wretched, miserable and find no happiness because of this marriage”.

The mother also began to denounce Ven. Udāyin, “May Master Udāyin be wretched, miserable and find no happiness, just as my daughter is wretched, miserable and finds no happiness on account of the marriage that Master Udāyin arranged”.

Then those in Sāvatthī who were also suffering unhappy marriages arranged by Ven. Udāyin joined in, “May Master Udāyin be wretched, miserable and find no happiness just as ourselves because of our marriages”.

But then there were those couples in Sāvatthī happily married, thanks to Ven. Udāyin, who defended him, “May Master Udāyin be blessed, prosper and be happy just as we are because of our marriages”.

Thus a dispute arose among the lay followers at Sāvatthī and when the Buddha discovered its cause, Ven. Udāyin arranging marriages, he summoned the foolish bhikkhu. Then, having rebuked Ven. Udāyin in front of the other bhikkhus, the Buddha laid down a rule prohibiting bhikkhus from arranging marriages.

Some time later, some loose-living men, amusing themselves in a park outside of Sāvatthi, sent a message to a local prostitute requesting her services. Not knowing these men and not trusting them, the prostitute declined. One of the men suggested that they should inform Ven. Udāyin for he would vouch for them and persuade the prostitute to come. Another of the men replied that Ven. Udāyin would never do such a thing for he was a bhikkhu living the holy-life. The others confidently affirmed, "Oh yes he will!" There was a dispute and a wager was made on the matter. The men sent a messenger to Ven. Udāyin asking that he intercede with the prostitute for them and, when it reached him, Ven. Udāyin went to the prostitute without hesitation and persuaded her to go to them! The man lost both his wager and his faith in 'Master' Udāyin and went about angry and annoyed, denouncing this Master Udāyin.

When the conscientious bhikkhus came to hear of this man's dissatisfaction and its cause, they reported the matter to the Buddha. The Buddha, having admonished Ven. Udāyin once again, amended the rule prohibiting arranging marriages to include temporary liaisons as well.

Rule – Translation and Synopsis

Should any monk engage in conveying a man's intentions to a woman, or a woman's intentions to a man, proposing marriage or an extra-marital affair, even if only for a momentary liaison, it entails initial and subsequent meetings of the community.

To 'engage in conveying' means to take on the role of a go-between. The component factors of a go-between's role are set by the Vibhaṅga at three:

1) Accepting, that is accepting the request of one party to convey a proposal.
2) Inquiring, that is informing the second party and learning his/her/their response.
3) Reporting, that is returning to inform the first party of the second party's reply.

When the message conveys a proposal for marriage, for an extra-marital affair, or even for a momentary liaison as with a prostitute, then the offences occur as follows:

- When any on factor is fulfilled there is a *dukkata*.
- When any two factors are fulfilled there is a *thullaccaya*.
- When all three factors are fulfilled it is a *saṅghādisesa*.

For example, a young man's family asks a bhikkhu to take a message to the family of a certain young woman proposing their marriage:

- When the bhikkhu agrees to take the message but, forgetting what it was while on the journey, he fails to deliver it then only one factor is fulfilled and he incurs a *dukkata.*

- When the bhikkhu agrees to take the message, delivers it and learns the response but, forgetting the content of the reply on the return journey, he doesn't report back then only two factors are fulfilled and it is a *thullaccaya.*

- When the bhikkhu agrees to take the message but, arriving there and learning that the young woman's family already know, and approve of the proposition, he sees no point in delivering the message. Instead, he returns to the first family and informs them of the second family's approval; two factors are fulfilled and it is a *thullaccaya.*

- When the bhikkhu agrees to take the message, delivers it and learns the response, then he returns to inform the young man's family, then all three factors are fulfilled and it is a *sanghādisesa.*

- When the bhikkhu is not instructed to take a message but he goes on his own initiative and asks the young woman's family about the proposition but, receiving a negative response, he leaves the matter there, then only one factor, Inquiring, is fulfilled and he incurs a *dukkata.*

- When the bhikkhu goes on his own initiative as before but, inquiring and receiving a positive response, he returns to inform the young man's family of the response, then two factors are fulfilled and he incurs a *thullaccaya.*

- When the bhikkhu goes on his own initiative as before but, learning that the young woman's family already approve of the match, he does not inquire but returns to inform the young man's family of the second party's approval, then one factor, Reporting, is fulfilled and he incurs a *dukkata.*

This completes seven examples, each showing a different combination of the three factors – Accepting, Inquiring, Reporting – which result in an offence.

However, some Ācariyas, such as the author of the Vinayamukha for example, have argued convincingly that in some situations the fruit of acting as a go-between can be accomplished merely by conveying one message from the first party to the second without needing to report back, that is by fulfilling only the first two of the Vibhaṅga's factors. For example, a man asks a bhikkhu to persuade a prostitute to come to him at a certain place at a certain time, adding that the bhikkhu only needs to report back to him if there is a problem with the arrangement. The bhikkhu does as he is asked, the prostitute agrees and meets the man as planned; only the two factors of Accepting and Inquiring are fulfilled yet the bhikkhu has acted successfully as a go-between. Indeed, the Rule-Translation supports these Ācariyas for it clearly states that merely conveying a man's intentions to a woman *or* a woman's intentions to a man about such matters is sufficient for a *saṅghādisesa.* Therefore one can say that in a situation where the proposed arrangement can be accomplished successfully without

the bhikkhu reporting back, then merely fulfilling the Vibhaṅga's factors of Accepting and Inquiring results in a *saṅghādisesa*.

According to the Vibhaṅga, the penalties are the same if the bhikkhu, instead of dealing directly with the man and woman deals with people speaking on their behalf such as the parents or, in the case of a prostitute, her pimp. Again, the penalties are the same when the bhikkhu, instead of acting as the go-between himself, gets somebody else to take the messages for him. When many bhikkhus are asked to act as a go-between and they all accept, then even if only one of them conveys the messages, all incur a *saṅghādisesa*.

Acting as a go-between when a *paṇḍaka*, or female supernatural being is involved would result in a Thullaccaya; when it is between two men proposing a homosexual relationship then the offence would be a *dukkata*.

In the Vinītavatthu there is a story of a bhikkhu acting as a go-between, reconciling a husband and wife who had quarrelled and were living separately. Because the couple were not legally divorced the bhikkhu incurred no offence; had they been divorced he would have incurred a *saṅghādisesa*.

Another situation which might be a *saṅghādisesa* under this rule is the case of a bhikkhu who, planning to disrobe, arranges his own future marriage while still a bhikkhu. According to the wording of the rule this is a *saṅghādisesa*, but following the Vibhaṅga's analysis into three factors, it is not; similarly some learned Ācariyas who were consulted have judged this to be a *saṅghādisesa*, others equally learned have said it is not! The case, though as yet undecided, cannot be ignored for the author knows of two bhikkhus who acted in this way, and there will be other foolish bhikkhus acting similarly in the future. Of course, irrespective of the offence involved, all conscientious bhikkhus would agree that to arrange one's own marriage while still a bhikkhu is improper and blameworthy.

This is the first rule in the Pātimokkha where there is no exemption for acting unintentionally, unknowingly. For example, a bhikkhu who attempts to reconcile a husband and wife by acting as a go-between, not knowing that they are divorced, incurs a *saṅghādisesa* nevertheless. However, for the bhikkhu who unwittingly acts as a go-between by carrying the sealed, written message of a man to a woman, and her sealed, written reply back to him, not realizing that their messages propose marriage, there is no offence under this rule because, as the sub-commentary points out, both the Vibhaṅga and the Samantapāsādikā define the action of conveying as 'telling'; only when the bhikkhu himself relates the message – whether repeating it orally, making a gesture or writing a note – does it qualify as an offence.

There is no offence for conveying messages between a man and a woman when it concerns some business of the Saṅgha such as building work at the monastery, travel arrangements for a *dāna* or the care of a sick bhikkhu for example. However, conveying messages for laypeople on other matters should be avoided, especially if it will be seen as 'corrupting families' (*kuladūsaka*), as in the origin story to *saṅghādisesa* 13.

Divining an auspicious date for a marriage is certainly disallowed for this is specifically mentioned in the Dīgha Nikāya as an example of '*tiracchāna- vijjā*' – Bestial Knowledge – and the bhikkhu stupid enough to do such a thing incurs a *dukkata.*

SAṄGHĀDISESA 6

The Story

At one time, the bhikkhus of Ālavī were having extravagant *kuṭis* built for themselves and, as these huts had no sponsor, they obtained the materials by appealing to the laypeople again and again thus, "Give a man, give a servant, give an ox, give a wagon, give a knife, give a hatchet, give an axe, give a spade, give a chisel, give a creeper, give bamboo, give grass, give clay". The people of Ālavī became burdened by the begging, harassed by the hinting, so much so that whenever they saw a bhikkhu they became worried, or alarmed; they would run away, go by a different route, change direction and they would bolt the doors. Even when they saw cows approaching they would run away imagining them to be bhikkhus.

That year, having completed the Vassa at Rājagaha, Ven. Mahā Kassapa came to visit Ālavī. When he entered the town for the first time to collect alms food, the laypeople ran away perturbed and alarmed, going by a different route, changing direction and bolting their doors. Ven. Mahā Kassapa, finding difficulty in obtaining enough alms food where once it was plentiful, asked the resident bhikkhus to explain what had happened.

A short time later the Buddha arrived at Ālavī and Ven. Mahā Kassapa informed him that many laypeople in Ālavī had recently lost their faith because of the excessive demands of some of the bhikkhus. The Buddha had all the bhikkhus at Ālavī assembled and then he admonished those who, by oppressing the laypeople with their insensitive demands, had spoiled their faith. He encouraged the bhikkhus to be content with little, to be frugal, and to avoid begging for it is disliked by all, even by animals. Then the Buddha established the rule regulating the construction of dwellings without a sponsor meant for oneself.

Rule – Translation

When a hut is being built by a monk from (gains acquired by) his own begging – having no sponsor, destined for himself – it is to be built to the standard size. Here the standard size is this: twelve spans, using the sugata-span, in length; seven in width, (measuring) internally. Monks are to be assembled to approve the site. A site approved by the monks should be without impediments and with adequate space. If the monk should build a hut from his own begging on a site with impediments and without adequate space, or if he should not assemble the monks to approve the site, or if he should not assemble the monks to approve the site, or if he should exceed the standard size it entails initial and subsequent meetings of the community.

Rule – Synopsis

Building a kuṭi, without a sponsor, destined for oneself, without having obtained the Saṅgha's approval is a saṅghadisesa.

Building a kuṭi, without a sponsor, destined for oneself, exceeding the maximum allowed size is also a saṅghadisesa.

This rule is about 'Building Regulations' to be followed by a bhikkhu who is building his own *kuṭi*, or having it built, without a sponsor on monastery land, private land, his own land or even on unclaimed land. In explaining this rule we will first define the term '*kuṭi*', and then explain the regulations governing their size, their position and the procedure by which they should be built. We will conclude with describing the offences incurred when these building regulations are contravened, and it can be noted straight away that this one rule contains two *saṅghādisesa* offences, as expressed in the Rule – Synopsis.

A *Kuṭi*

A *kuṭi*, the object of these regulations, is defined in the Vibhaṅga as a bhikkhu's hut of the type which is plastered inside, outside or both, referring especially to the 'wattle and daub' designs then common. This rule does not concern three types of dwelling specifically exempted in the *anāpatti* clause: grass huts, *guhā* and *leṇa*. Unfortunately, the original meaning of '*guhā*' and '*leṇa*' is obscure as the usage of these terms has apparently changed over the centuries[22], though it is certain that one of these (no-one is quite sure which!) refers to a simple cave dwelling. However, one can deduce that these three types of *kuṭi* have been exempted for the reason that they are simple, inexpensive structures which impose no great burden on the laypeople from whom the materials are begged. Therefore, other simple and inexpensive dwellings would also be excluded from the building regulations and penalties of this rule. However, other types of hut which do not fit the Vibhaṅga's definition of '*kuṭi*' merely because they are not plastered, but which are nevertheless just as substantial or even more so, are included and subject to the same regulations and penalties as plastered huts. For example, wooden chalets and brick huts are sturdy and expensive and therefore are included under this rule.

The Maximum Size

When a bhikkhu is building a *kuṭi*, or having one built, for himself and without a sponsor, then the size of the hut is restricted in order to prevent overburdening the laypeople who will supply the materials. The maximum permitted size for such a *kuṭi*

[22] See *Buddhist Monks and Monasteries of India* by S. Dutt (Motilal Barnarsidas, Delhi, 1988) for a scholarly discussion on the historical meaning of these two terms. See also the English translation of the *Visuddhimagga* by Ven. Nyānamoli where, in footnote 21, page 27, the respected bhikkhu acknowledges the uncertainty on the meaning of these terms.

is 12 x 7 *sugata* spans, this measure being taken internal to the ‘shell’ of the structure and not including verandas or eaves. The ‘*sugata*-span’ is a standard linear measurement currently estimated at 25 centimetres, though as the subject of ‘sugata measures’ is a controversial one, this estimate will be defended in the argument to be found in the appendix to this work. By this estimate, then, the upper limit of the bhikkhu’s room is 3 x 1.75 metres, which is large enough to live in and small enough to be frugal. Should the size of the room exceed this maximum in *either* dimension then the regulation has been broken and a *saṅghādisesa* incurred.

The Position of the *Kuṭi*

The *kuṭi* is to be sited in a position where there are no ‘Impediments’ and where there is ‘adequate space’.

a) ‘Impediments’ refer to defects in the nature of the site as follows:

- The construction will destroy the lives or homes of small creatures. For example, the preparation of the site involves levelling termite mounds, filling in snake holes or cutting down trees supporting wasps’ nests.

- The construction will damage the property of people. For example, building the *kuṭi* in or adjoining a householder’s fields or orchard, as in the origin story to *pācittiya* 19.

- The finished *kuṭi* will be endangered by the proximity of termites’, rats’ or ants’ nests, or by placing it on an elephant’s trail (elephants in the wild are apt to ‘remove’ small obstacles such as *kuṭis* from their well trodden jungle paths).

- The inhabitant will be endangered by the proximity of wild animals’ homes. For example, the *kuṭi* is sited close to a tiger’s lair, where there are a profusion of snakes, scorpions or centipedes, or when it is on an elephant trail again.

- The inhabitant will be disturbed by noisy surroundings. For example, the *kuṭi* is built close to a slaughter-house. to a place of execution, to a well used charnel-ground, to pleasure parks, to royal property, to stables, to prisons, to taverns, to highways, to crossroads, to public rest-houses or close to public meeting places.

Should a bhikkhu ignore these or similar impediments and construct his *kuṭi* anyway, then he incurs a *dukkata*.

b) ‘Adequate space’ refers to the provision of a large enough surrounding area to the actual structure. The minimum size of this surrounding area is defined by the Vibhaṅga to be sufficiently large that a cart driven by two

oxen will be able to go around the *kuṭi*, and that it will be possible to carry a ladder around the hut. Should a bhikkhu construct his *kuṭi* without such a surrounding area, then he incurs a *dukkata*.

The Procedure

When a bhikkhu wishes to build a *kuṭi*, or have one built, for himself and without a sponsor, he must first apply for permission to do so from the nearest local Saṅgha; this permission must be obtained by the following procedure.

A bhikkhu should first ensure that his chosen site has no 'impediments' and has 'adequate space', as just explained in the section above. He should then prepare the site for inspection, clearing it, levelling it, marking out the position of the *kuṭi* and marking out the boundary of the surrounding area. Having completed these preparations, he should approach the nearest local community of bhikkhus and, in a formal meeting of the Saṅgha (Saṅghakamma), he should request three times[23] that the Saṅgha come to inspect his site.

If the Saṅgha feel that they are able, they should all go to inspect the site. Otherwise, the Saṅgha should perform a further Saṅghakamma, this time by a motion and three announcements[24], in which they delegate a deputation of competent bhikkhus to go and inspect the site. Nothing is said in the texts on the number of bhikkhus needed to compose such a delegation, therefore the Saṅgha may choose just one able bhikkhu or many as it sees fit.

The bhikkhus inspecting the site should consider whether the site has any of the 'impediments' listed above, and whether the surrounding area is adequate. If the site is without an 'impediment' and has 'adequate space' then the bhikkhus should return to their residence and, if they are a delegation, inform the rest of the Saṅgha that they found the site appropriate. But if there is an impediment, or if there is not adequate space, the bhikkhu should be told there and then to find a new site.

When his site has been inspected and found appropriate, the bhikkhu should then approach the same Saṅgha, once again in a formal meeting, and ask three times[25] that the Saṅgha 'approve' the site. The Saṅgha should then perform another Saṅghakamma, by a motion and three announcements[26], to formally give its 'approval'. The bhikkhu may then proceed with the construction of his *kuṭi*. But

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[23] The words to be spoken in making the requests, and in delivering the motions and announcements, are set forth in the Vibhaṅga of this rule. They have not been repeated here as their use is uncommon. One might add here, though, that all the stipulations which make a Saṅghakamma valid have to be carefully followed because if they are not, then the 'approval' hasn't been given and the bhikkhu incurs a *saṅghādisesa* when he completes his *kuṭi*.

[24] See Footnote 23.

[25] See Footnote 23.

[26] See Footnote 23.

should the bhikkhu complete his *kuṭi* without going through this procedure, that is without formally obtaining the Saṅgha's 'approval', then he incurs a *saṅghādisesa.*

Summary of the Offences Incurred

- Completing the construction of a *kuṭi*, built for oneself and without a sponsor, when the size of the room exceeds 3 x 1.75 metres in either dimension is a *saṅghādisesa.*

- Completing the construction of a *kuṭi*, built for oneself and without a sponsor, without having formally obtained the Saṅgha's 'approval' is a *saṅghādisesa.*

- Completing the construction of a *kuṭi*, built for oneself and without a sponsor, on a site with an 'impediment' is a *dukkata.*

- Completing the construction of a *kuṭi*, built for oneself and without a sponsor, where the surrounding area is not sufficient is a *dukkata.*

These offences are additive, thus it is possible when building such a hut to incur two offences of *saṅghādisesa* and two offences of *dukkata.* It is also to be noted that the above four offences occur on the completion of the *kuṭi.* Should the bhikkhu still be building his *kuṭi*, or having it built, without a sponsor and for himself, when it will exceed the maximum size or when he hasn't obtained the Saṅgha's 'approval', then he incurs a *dukkata* for each and every act of construction. Then when he is just one building-operation short of completion, all the offences of *dukkata* are replaced by one offence of *thullaccaya.* But when the hut is completed this *thullaccaya* gives way to a *saṅghādisesa.* For example, a bhikkhu begins constructing his *kuṭi*, without a sponsor and for himself, neglecting to obtain the Saṅgha's approval, but realizing his mistake he approaches the Saṅgha, obtains their approval and then finishes his *kuṭi*; he incurs many offences of *dukkata.*

The Rule – Translation can be seen to state that there is a third saṅghādisesa in this rule for completing a *kuṭi*, without a sponsor and for oneself, on a site with impediments and without adequate space. The Vibhaṅga does not mention this situation as a *saṅghādisesa*, nor does the Samantapāsādikā comment on it, but the sub-commentary does say that to read the rule in this way is to misinterpret it, adding no further explanation. However, one can say that in such a situation either the Saṅgha's approval has not been given or, if it has been 'given', it is wrongly given and therefore invalid; either way there must be a *saṅghādisesa.*

The Case of Having Others Build the *Kuṭi* for You

If a bhikkhu, instead of building the *kuṭi* himself, arranges for others to build it for him, then he must inform them of the requirements of this rule; it should be built to the right size, on a site without impediments, with an adequate surrounding area, and having obtained the Saṅgha's approval. If the bhikkhu neglects to inform the builders

and the *kuṭi* they build fails to meet any or all of these requirements, then he must have the *kuṭi* demolished and start again, give the *kuṭi* to someone else, or face the offences incurred as if he had built the *kuṭi* himself. For example, he instructs the builders to construct a *kuṭi* of an allowable size but he forgets to tell them to obtain the Saṅgha's approval; the *kuṭi* is completed within the maximum size on a site without impediments and with adequate surrounding space but without the Saṅgha's approval – unless the bhikkhu tears down the *kuṭi* or gives it to another he incurs a *saṅghādisesa.*

When the bhikkhu instructs the builders about the requirements of this rule, but he later learns that they are ignoring them, then he must go himself or send a messenger to reiterate these requirements. Should he not do so he incurs a *dukkata.* If having reiterated the requirements, the builders still ignore them and complete the hut, then, there is no offence for the bhikkhu. When these builders are other bhikkhus, though, they incur a *dukkata* for completing a *kuṭi* built on a site with an impediment, another offence of *dukkata* if it is without an adequate surrounding area, and a further *dukkata* if it is built without the Saṅgha's approval (but the builders incur no offence for exceeding the limit in size because they are building a *kuṭi* for somebody else).

The No Offence (*anāpatti*) Clause

As already mentioned at the beginning of this rule, there is no offence when one neglects these regulations in building a simple, inexpensive structure, such as a grass hut for example; even so, in this case the 'impediments' should still be borne in mind.

There is also no offence when one is constructing a building for the monastery, such as an uposatha hall for example. But if the monastic building doubles as his own *kuṭi*, then it does come under the regulations of this rule, and involves the same penalties when these regulations are violated.

There is no offence when the *kuṭi* is built for another. For example, a kuti built for the 'Saṅgha of the four quarters, present and yet to come' (*āgatānāgata catuddisā saṅgha*) is not bound by the regulations and penalties of this rule and may be built to any size, without a Saṅgha's approval. However, the 'impediments' should be borne in mind. Similarly, a bhikkhu holding the office of abbot in a certain monastery who builds an abbot's hut is also considered as building the kuti *for another*; the *kuṭi* is not his property because should he go to another monastery, the hut becomes the residence of the new abbot.

When the *kuṭi* has a sponsor, or many sponsors, the regulations and penalties of the following rule, *saṅghādisesa* 7, apply.

SAṄGHĀDISESA 7

The Story

At one time a lay supporter of Ven. Channa said to this bhikkhu, “Do find out a site for a dwelling, honoured Sir, I will have a dwelling built for the master”.

Then Ven. Channa, clearing a site for the dwelling, had a tree cut down that was worshipped as a shrine, revered by the villages, revered by the towns, revered by the cities, revered throughout the countryside, revered by the Kingdom. Many people became vexed, annoyed and angry, complaining, “How can these bhikkhus have a tree cut down that is worshipped as a shrine and revered by all? These bhikkhus are depriving a one-sense being[27] of life!”

Soon, the conscientious bhikkhus came to hear of the laypeople’s grievance and reported the matter to the Buddha. The Buddha then convened the bhikkhus, admonished Ven. Channa and then by establishing the following rule ensured that even dwellings with a sponsor require the site to be formally approved by the Saṅgha.

Rule – Translation

When a dwelling is being built by a monk – having a sponsor and destined for himself – monks are to be assembled to approve the site. A site approved by the monks should be without impediments and with adequate space. If the monk should build a dwelling on a site with impediments and without adequate space, or if he should not assemble the monks to approve the site it entails initial and subsequent meetings of the community.

Rule – Synopsis

Building a dwelling having a sponsor, without having obtained the Saṅgha's approval is a saṅghādisesa.

This rule concerns the ‘Building Regulations’ to be followed by a bhikkhu when a sponsor is having a dwelling *vihāra*[28]) built for him. In this case, the sponsor may build the dwelling to whatever size he wishes, but the bhikkhu should still ensure that the site is without impediments, has an adequate surrounding area and is formally ‘approved’ by the nearest local Saṅgha.

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[27] According to the Jain philosophy, life (*jiva*) has five categories, systemized according to the number of sense faculties each possess: thus in the 5-sense-facultied category are devas, men, monkeys and certain other animals; the 4-sense category includes wasps and flies (no hearing)… the last category, the single-sense beings who possess only the faculty of touch include vegetable bodies such as trees and roots, earth, stones, water, fire and air. This philosophy was obviously popular at the time of the Buddha, giving rise to such criticism as is found in this origin story.

[28] The previous rule employed the word ‘*kuṭi*’ because this term refers to a bhikkhu’s ‘one-man’ hut. However, there is no limit to the size of the buildings of this rule and so the term ‘*vihāra*’ is used, a word which refers to all types and sizes of dwellings, including the *kuṭi*.

The explanations of ‘impediments’ and ‘adequate surrounding area’ are precisely as in the previous rule, and the procedure for obtaining the Saṅgha’s approval differs from that outlined in the previous rule only in minor changes of wording in the formal requests, motions and announcements.

Should a bhikkhu have such a dwelling completed without the Saṅgha’s ‘approval’, he incurs a *saṅghādisesa*.

Should a bhikkhu have such a dwelling built on a site with an impediment, he incurs a *dukkata*.

Should a bhikkhu have such a dwelling built without an adequate surrounding area, he incurs another *dukkata*.

The Rule – Translation implies, as in the previous rule, that there is a further *saṅghādisesa* just for completing such a dwelling on a site with impediments *and* without an adequate surrounding area, but again this is not supported by the Vibhaṅga, the Samantapāsādikā or the sub-commentary.

The regulations and penalties of this rule do not apply when the dwelling offered by the sponsor is a grass hut, a ‘*guhā*’ or a ‘*leṇa*’ (these terms are discussed in the previous rule), that is when the dwelling is simple and inexpensive. They also do not apply when the dwelling is built for another, such as the Saṅgha of the four quarters, present and yet to come. It is the normal practice not to have sponsored dwellings built for an individual, rather they would be dedicated to the ‘Saṅgha of the four quarters present and yet to come’, that is as communal property of all bhikkhus – such dwellings do not require the Saṅgha’s ‘approval’.

SAṄGHĀDISESA 8

The Story[29]

At one time, while the Buddha was staying in the Bamboo Grove just outside of Rājagaha, Ven. Dabba the Mallian was formally elected officer of the Saṅgha in charge of allocating lodgings and meals. Ven. Dabba the Mallian had been fully enlightened at the age of 7 when his head was being shaved and was now devoting himself to the service of the Saṅgha. But he was no ordinary officer of the Saṅgha; if a bhikkhu arrived late at night Ven. Dabba the Mallian would make his own finger glow with light and use it as a torch to guide the visitor to a dwelling. This was such a marvellous sight that some bhikkhus would deliberately arrive after sunset and ask to stay in the farthest lodgings.

[29] This adapted origin story is related at length for it describes the source of the long standing grudge of the ‘Group of Six Monks’ against Ven. Dabba the Mallian, a grudge which reappears in many more origin stories in the Vinaya.

At that time, there was a constant invitation for four bhikkhus to receive their meal at a certain layman's house every day, and it was one of Ven. Dabba the Mallian's duties to arrange a roster and inform the four bhikkhus whose turn it was to go. One morning, he informed four of the 'Group of Six Monks' that tomorrow it would be their turn to go. Now the 'Group of Six Monks' were a shameless, lazy, disreputable and incorrigible clique of bhikkhus who, being well known for their failings by the laity, received only the minimum of coarse and tasteless food from their alms round. But the meals served at this layman's house were always delicious with plentiful servings of the choicest of foods. When these bhikkhus heard that they were to go to receive such a meal they became very happy, very excited and, because of anticipation, it is said that that night they did not sleep as much as they expected.

Unknown to these bhikkhus, though, the layman had visited Ven. Dabba the Mallian that evening and had been innocently told that four of the 'Group of Six Monks' were to eat at his house the next day. When the layman returned home he told his servants to prepare the bhikkhus' seats for the meal next morning down in the storeroom for he wouldn't have them in the house, and to offer them only a coarse meal of broken-rice porridge with sour gruel instead of the usual feast.

The bhikkhus arrived at the layman's house early next morning in eager anticipation of sumptuous fare. They were bitterly disappointed. Just broken-rice porridge with sour gruel served to them by the menial down in the storeroom! 'Surely, this must be the work of Ven. Dabba the Mallian', they thought, angry and frustrated. Then, having returned to the Bamboo Grove they sat sown outside the monastery storeroom, squatting on their *saṅghāṭis*, silent, abashed, their shoulders bent, their heads lowered, brooding, speechless and fuming.

Just then the bhikkhunī Mettiyā, who was favourably disposed to the 'Group of Six Monks', happened to pass by, asked what the trouble was and then offered these despondent bhikkhus any assistance she could afford. The bhikkhus angry and wanting revenge told the bhikkhunī to go to the Buddha and accuse that scoundrel Dabba the Mallian of having violated her chastity. Mettiyā did as she was instructed.

The Buddha convened all the bhikkhus in order to investigate this serious charge of rape brought against Ven. Dabba the Mallian. Ven. Dabba the Mallian, now an Arahant for many years, defended himself by declaring, "Lord, since I was born I cannot recall ever committing sexual intercourse even in a dream, let alone when awake!" and the charge was dropped. The four members of the 'Group of Six Monks' later admitted their part in the false accusation and were severely admonished by the Buddha; while the bhikkhunī Mettiyā was expelled there and then. As a result of this affair, the Buddha established the eighth *saṅghādisesa* concerning groundless accusations of *pārājika* against a bhikkhu.

Rule – Translation

Should any monk, malicious, angry, displeased, charge a monk with an unfounded case involving defeat (thinking) "surely with this I may bring about his fall from the holy life", then regardless of whether or not he is cross-examined on a later occasion,

if the issue is unfounded and the monk is motivated by anger it entails initial and subsequent meetings of the community.

Rule – Synopsis

Accusing another bhikkhu of a pārājika, maliciously aiming to have him expelled with an unfounded charge is a saṅghādisesa.

The Intention – Maliciously Aiming to Have Him Expelled

To incur a *saṅghādisesa* such an accusation must originate from malice, that is from any degree of ill-will, with the specific aim of causing the bhikkhu to be expelled from the monkhood. The origin story is a good example of such a malicious motivation. When there is no such intention there is no offence under this rule, as in the following examples:

- A bhikkhu having genuine grounds to believe that someone has incurred a *pārājika* declares the accusation to the Saṅghathera motivated not from malice, only from a desire to fulfil the obligations of his precepts, in particular not to transgress *pācittiya* 64[30]. As there is no malice there is no offence.

- A bhikkhu makes such an accusation as a joke, not meaning to be taken seriously. As there is no malice, nor is the aim to have the 'accused' expelled, there is no offence here. Such frivolous speech, though, is not suitable for any bhikkhu.

A bhikkhu, angry at another, accuses him of a transgression not realising that it might cause his adversary's expulsion. Though there was malice, the desire to cause trouble for him, there was no aim to cause expulsion and therefore there is no offence under this rule (though there may be a *pācittiya* under either *pācittiya* 76 or *pācittiya* 77).

The Action – Making an Unfounded Charge of *Pārājika*

An unfounded charge, according to the Vibhaṅga, is one having no basis in what has been seen, heard or suspected. In other words, the accuser has not seen the accused committing the offence in question, nor has he heard a seemingly reliable report to that effect, nor is there anything in the accused's behaviour to give rise to suspicion. A bhikkhu who makes such an unfounded charge that a fellow bhikkhu has committed a *pārājika*, maliciously aiming to have him expelled, incurs a *saṅghādisesa* whether the charge is believed or not.

[30] A bhikkhu who suspects another of a *pācittiya* is obliged to declare his suspicions to another bhikkhu.

An unfounded charge also includes the case of the bhikkhu who, uncertain as to who did what, exaggerates the truth by making a firm charge that a certain bhikkhu did a specific deed. For example, a certain Ācariya who is angry with his *antevāsika* (disciple) and would like to see him expelled, one night sees a man lying with a woman under a blanket in a dark corner of the monastery:

- When the Ācariya, clearly recognizing the man as his disciple, reports to the Saṅgha that he saw them lying there and suspects his disciple of having transgressed *pārājika* 1, then the Ācariya incurs no offence – his charges are based on what he truly suspects.

- When the Ācariya, clearly recognizing the man as his disciple, reports to the Saṅgha that he saw his disciple committing sexual intercourse, maliciously wanting him expelled, then the Ācariya incurs a *saṅghādisesa* for exaggerating the truth by making an 'unfounded charge' – he only saw them lying together beneath a blanket.

- When the Ācariya, seeing only the silhouette of the man and thinking that he might be his disciple, reports to the Saṅgha that he suspects his disciple to have committed a *pārājika*, then the Ācariya incurs no offence – again his charge is according to what he truly suspects.

- But when the Ācariya, seeing only the silhouette of the man and thinking that he might be his disciple, reports to the Saṅgha that it was definitely his disciple that he saw under the blankets with the woman, maliciously wanting him expelled, then the Ācariya incurs a *saṅghādisesa* for exaggerating the truth by making an unfounded charge.

To be a *saṅghādisesa*, the charge must be of a kind that if believed will lead to the expulsion of the accused bhikkhu. According to the Samantapāsādikā this refers not only to transgressions of the four bhikkhu *pārājika* rules, but also to accusations of being an '*abhabbapuggala*', one of the 11 disqualified types (see the 'Summary of the 4 *pārājikas*' above). For example, a bhikkhu who makes an unfounded charge against another bhikkhu, saying that he killed his own mother when he was a layman (a Mātughātako or matricide, the sixth of the 11 disqualified types), maliciously wanting the accused expelled, incurs a *saṅghādisesa* just the same.

When a bhikkhu maliciously makes an unfounded charge of *saṅghādisesa* then he incurs a *pācittiya* under *pācittiya* 76. When a bhikkhu maliciously makes an unfounded charge of any transgression of a bhikkhu, layperson or whomever, then he also incurs a *pācittiya* for telling an intentional lie (*pācittiya* 1).

When a bhikkhu gets somebody else to make the accusation then the penalty is the same as if he made the charge himself, a good example of this being found in the origin story quoted above. Even when a bhikkhu, in the course of giving evidence during the Saṅgha's investigation (*anuvādādhikarana*) of a charge of *pārājika* initiated by another bhikkhu, makes a statement which amounts to an unfounded charge of *pārājika* maliciously aimed to see the accused expelled, then he also incurs a *saṅghādisesa.*

The Result

A bhikkhu who makes an unfounded charge of *pārājika*, maliciously aimed at having the accused expelled, incurs an offence of *saṅghādisesa* even when the charge unexpectedly turns out to be true. For example, an Ācariya, angry with his disciple and wanting him expelled, uses the mysterious disappearance of a valuable bowl as the opportunity to accuse the disciple of the theft and be rid of him; to the Ācariya's surprise, the disciple admits the truth of the 'unfounded charge' and disrobes, while the Ācariya does the 'penance' for the *saṅghādisesa* he has incurred.

However, a bhikkhu who makes a founded charge of *pārājika*, that is reporting truthfully what he has seen, heard or suspected, which unexpectedly turns out to be untrue incurs no offence. For example, the Ācariya who was angry at his disciple wanting to see him expelled spots the disciple taking the valuable bowl and putting it in a place of hiding. The Ācariya, believing the disciple to have stolen the bowl happily informs the Saṅgha of this and initiates an investigation (*anuvādādhikaraṇa*) of a *pārājika* which he hopes will rid him of the disciple. When the disciple is questioned it is discovered that the bowl was 'taken on trust', not with the 'mind of a thief', and the disciple is acquitted. The Ācariya also incurs no offence.

According to the Samantapāsādikā, a bhikkhu who makes such an unfounded charge of *pārājika*, maliciously aiming to have the accused expelled, only incurs a *saṅghādisesa* when the charge is immediately understood. Following this pattern (first established in the commentary to *pārājika* 1 in the explanation on what is disrobing, and applying to *pārājika* 4, *saṅghādisesa* 3 and *saṅghādisesa* 4) when the accusation is heard but not immediately understood the offence is a *thullaccaya*; when the charge is not even heard the offence is a *dukkata*.

Whether the charge is believed or not is irrelevant to any offence here.

The Samantapāsādikā creates some confusion when it states that the offence of *saṅghādisesa* only occurs when such an unfounded charge is made in the presence of the accused. Neither the Rule – Translation nor the Vibhaṅga support this unreasonable judgement, so it seems that making such an unfounded charge of *pārājika* to anybody who understands the accusation is sufficient to result in a *saṅghādisesa*.

SAṄGHĀDISESA 9

The Story

Continuing on from the origin story of the previous rule, the members of the 'Group of Six Monks' still held a grudge against Ven. Dabba the Mallian over the incident of the meal in the layperson's house.

One day soon after this incident, this group of six monks happened to see a pair of goats copulating on the slopes of the Vulture's Peak and a plan by which they could get their revenge against Ven. Dabba the Mallian occurred to them. There and then, they gave the he-goat the name of 'Dabba the Mallian' and the nanny-goat the name of 'Mettiyā the bhikkhunī'. Then returning to the monastery, they told the other bhikkhus that this time they had seen with their own eyes Dabba the Mallian in sexual intercourse with Mettiyā the bhikkhunī and this was the truth!

Nobody really believed the accusation but nevertheless the Saṅgha had to be convened and the charge investigated. During the course of the *anuvādādhikaraṇa*, the investigation of the offence, it became clear the Ven. Dabba the Mallian was indeed innocent of the charge and so the bhikkhus belonging to the group of six monks who made the accusation confessed to their deceit. The Buddha then reprimanded these foolish monks and established this ninth *saṅghādisesa*.

Rule – Translation

Should any monk, malicious, angered, displeased, taking as a mere pretext an aspect of an issue pertaining otherwise, charge a monk with a case involving defeat, (thinking), 'surely with this I may bring about his fall from the holy life', then regardless of whether or not he is cross-examined on a later occasion, if the issue pertains otherwise, an aspect taken as mere pretext, and the monk is motivated by anger, it entails initial and subsequent meetings of the community.

Rule – Synopsis

Making a true though misleading statement, designed to be misconstrued as a charge that one has seen or heard a certain bhikkhu committing a pārājika, with the intention of causing that bhikkhu's expulsion, is a saṅghādisesa.

This rule differs from the previous *saṅghādisesa* only in the nature of the charge. In this rule, the statement aimed to cause a certain bhikkhu's expulsion is so constructed as to deliberately mislead the hearer into understanding that one has seen or heard that very bhikkhu committing a *pārājika*. Such a ploy results in a *saṅghādisesa* for the bhikkhu making the cleverly worded charge. For example:

> A bhikkhu, angry at the Vinaya-Master for pointing out his shortcomings, declares that he heard with his own ears the Vinaya-Master saying 'I am an Arahant', hoping that this will be understood as a charge of transgressing *pārājika* 4 and lead to the Vinaya-Master's expulsion. As it happens, the Vinaya-Master did say those words, though not as a claim to a superior human state, but merely as an example of what would be a *pārājika* given during one of his lectures on the Vinaya. The bhikkhu incurs a *saṅghādisesa*.
>
> The same bhikkhu, even more angry at the Vinaya-Master now, goes to the house of a previous Vinaya-Master, now disrobed and married, and waits in secret to see him having sexual intercourse with his wife. The bhikkhu returns

> to the monastery and declares, 'I have now truly seen the old Vinaya-Master committing sexual-intercourse!', hoping that he will be understood as referring to the present Vinaya-Master, also advanced in years, and cause his expulsion. Whether the bhikkhu is believed or not, he incurs a *saṅghādisesa* for making such a misleading charge.

As in the previous rule, to be a *saṅghādisesa* such a charge must be motivated by the malicious aim to have the accused expelled. Whether the charge is believed or not is irrelevant to any offence here.

SAṄGHĀDISESA 10

The Story[31]

At one time while the Buddha was dwelling at Rājagaha in the Bamboo Grove, Ven. Devadatta sought to cause a schism in the Bhikkhu-Saṅgha. To achieve this end, he asked the Buddha to make it compulsory for all bhikkhus to observe the following five ascetic practices: (1) dwelling in a forest, (2) eating only food obtained on alms round, (3) wearing only robes made from discarded rags, (4) dwelling at the foot of a tree, and (5) abstaining from eating fish and meat.

As Ven. Devadatta had expected, the Buddha rejected his proposal:

> "Enough Devadatta! Whoever wishes, let him be a forest dweller but whoever wishes, let him dwell in the neighbourhood of a village. Whoever wishes let him eat only food obtained on alms round but whoever wishes, let him accept invitations to a meal. Whoever wishes, let him wear robes made from discarded rags but whoever wishes, let him accept robes given by a householder. For eight months of the year only Devadatta, is lodging at the foot of a tree permitted by me. Fish and meat are allowed by me if pure in three respects: if the animal from which they come is not seen, heard or suspected to have been killed only in order to supply flesh for the bhikkhu."
>
> Joyfully Ven. Devadatta departed and, entering the city of Rājagaha, began to preach to the people in praise of these five ascetic practices, hoping thereby to win a following as the founder of a stricter sect. When the Buddha learned of this movement towards schism, he convened all the bhikkhus in the area, including Ven. Devadatta, censured the schismatic bhikkhu and then established this 10th *saṅghādisesa* aimed at preventing schisms in the future. However, this was too late for Devadatta who went ahead with his schism.

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31 This origin story occurs as part of the episode, happening in the Buddha's 80th year, in which Ven. Devadatta attempted to replace the Buddha, his cousin, as leader of the Saṅgha. Having failed to take command of the whole Saṅgha, Ven. Devadatta attempted to split the Saṅgha and lead the part which broke away.

Rule – Translation

Should any monk agitate for a schism in a community in concord, or should he persist in taking up an issue conducive to schism, he should be admonished thus by the monks: 'Do not, Venerable Sir, agitate for a schism in a community in concord, or persist in taking up an issue conducive to schism. Let the venerable one be reconciled with the community, for a community in concord, in complementary terms, free from dispute, having a common recitation, dwells in peace'. And should that monk, informally admonished thus by the monks persist as before, he is to be formally admonished up to three times by the monks so as to desist. If being formally admonished up to three times he desists, that is good. If he does not desist, it entails initial and subsequent meetings of the community.

Rule – Synopsis

Refusing to give up one's attempts at a schism, after the third formal admonishment in a meeting of the Saṅgha, is a saṅghādisesa.

Schism

A schism is a split in the Bhikkhu-Saṅgha; as soon as two factions within the same monastic boundary (*sīmā*) perform any formal business meeting of the community (Saṅghakamma) separately, then a schism has taken place.

According to the Cullavagga (7.5) a schism originates in a dispute on Dhamma-Vinaya, such a dispute being called *vivādādhikaraṇa*. In particular, such a dispute arises when some bhikkhus:

> … explain what is Dhamma as not-Dhamma, and what is not-Dhamma as being Dhamma; what is Vinaya as not-Vinaya, and what is not-Vinaya as being Vinaya; what was not spoken by the Buddha as having been spoken by him, and what was spoken be the Buddha as not having been spoken by him; what was practised by the Buddha as never having been practised by him; what was laid down by the Buddha as not having been laid down by him, and what was not laid down by the Buddha as having been laid down by him; what is an offence as being no-offence, and what is no-offence as being an offence; what is a heavy offence as a light offence, and a light offence as a heavy offence; what is a curable offence as an incurable offence; and what is an incurable offence as a curable offence; and they explain what is a very serious offence as being not so serious, and a not serious offence as being very grave.

It is the duty of a conscientious bhikkhu, wishing to protect the Dhamma, preserve the Vinaya, and prolong the Tradition, to take the appropriate steps to persuade such misinformed bhikkhus to change their wrong views and thereby settle the dispute. However some bhikkhus are arrogant and stubborn and it is not easy to convince them that they are wrong; in the Cullavagga (4.14.3) it is said that when a bhikkhu is

possessed of the following unwholesome traits, such a dispute becomes hard to settle and may lead to schism;

(1) He becomes angry easily and gets over it with difficulty.
(2) He is harsh and unmerciful.
(3) He is envious and grudging.
(4) He is crafty and deceitful.
(5) He has evil desires and wrong views.
(6) He is infected with worldliness, obstinate and stubborn in his own opinions.

Such a bhikkhu, continues the Cullavagga, lives without deference, disrespectful towards the Teacher, towards the Dhamma and towards the Saṅgha.

When such a dispute has occurred and the nature of some of the bhikkhus involved is such as listed above, then the dispute is likely to go on and on. When such a dispute is hard to settle then there is said to be dissension in the Saṅgha (*saṅgharāji*), but schism has yet to occur.

When there are two irreconcilable differences of opinion on Dhamma-Vinaya there will be different standards of practice and it is likely that one group will not wish to be associated with the other. For example, the disciples of Devadatta did not want to associate with the other bhikkhus who they took to be over-lax, while the Vajjian bhikkhus of Vesālī, at the time of the Second Council (Cullavagga 12), did not wish to be connected with the Theras from Pāvā who they thought to be overly strict and conservative. When such factions each consist of four or more bhikkhus then they will desire to perform their own separate Saṅghakamma, such as the Pātimokkha recital for example, excluding the bhikkhus of the other group. When separate Saṅghakamma are performed by factions within the same *sīmā*; then a schism has occurred and the now independent factions are each a different '*saṃvāsa*' (communion).

The Procedure of *Saṅghādisesa* 10 Aimed at Preventing Such a Schism

When a bhikkhu sees such a dispute developing, with one or both sides being arrogant and obstinate in their views, where the matters in dispute are of importance and cannot be ignored, then he should recognise that there exists the potential for a schism and he must endeavour to prevent such a split. Often, the contentious faction will have a protagonist, a would-be schismatic, and this leader should be approached and persuaded to abandon his stubbornness if only for the sake of harmony in the Saṅgha. When any bhikkhu, recognising the signs of a potential schism, neglects this duty he incurs a *dukkata*.

Should the protagonist set aside his views out of deference to the Saṅgha then he incurs no offence. But if he does not, then a second and a third attempt at dissuasion should be made. If after the third attempt the protagonist still does not abandon the road to schism, then he incurs a *dukkata*.

A full assembly of the local community of bhikkhus should then be convened and the protagonist taken into its midst. One bhikkhu should ask the protagonist a further

three times, in front of the Saṅgha and on behalf of the Saṅgha, to relinquish his obstinacy, give up the road to schism and become reconciled with all the bhikkhus. Should he now yield, for the sake of harmony, that is good; should he not, then he incurs a further *dukkata*.

The Saṅgha, still convened with the protagonist in its midst, should formally admonish the would-be schismatic by a Saṅghakamma consisting of one motion followed by three announcements. Should the would-be schismatic concede to the will of the Saṅgha before the second announcement is completed, he incurs a *dukkata*; should he concede only after the second announcement but before the third is completed, then he incurs a *thullaccaya*; but once the third announcement is completed, whether he thereafter yields or not, he incurs a *saṅghādisesa*.

Here, the *saṅghādisesa* offence arises only after this particular Saṅghakamma has been performed properly, that is according to the legal requirements binding on all Saṅghakamma, such as the need for all the bhikkhus within the *sīma* to be present, within *hatthapāsa*, or have sent their consent (*chanda*) for example. Irrespective of whether the protagonist regards the Saṅghakamma as properly performed, doubtfully performed, or wrongly performed, when the Sanghakamma has been properly performed he incurs a *saṅghādisesa*. But when the Saṅghakamma has been improperly performed, again irrespective of how the protagonist regards the matter, he incurs a *dukkata*.

The Cullavagga (7.5.6) makes the important point that the protagonist in the dispute might be motivated by the noble intention of preserving what he considers to be the true Dhamma-Vinaya, but even so he should not carry his crusade as far a schism! He should, according to the Cullavagga (4.14.16-26) debate the matter fully in the presence of all concerned, subduing his own arrogance and deferring to the learned Theras. Should the dispute not be settled to the satisfaction of all, then they should take the matter to respected bhikkhus of other monasteries. Should they still be unable to settle the dispute, then they should elect a committee from among themselves, each member of which having such qualities as saintliness, erudition and charisma, to decide the matter. Should the dispute remain intractable then there is one last resort, a vote to decide the matter according to the view of the majority. But when the outcome of a vote is going to be unacceptable to the minority, serving only to polarize the bhikkhus even further into opposing factions and thereby lead to schism, then a vote should *not* be taken. Instead, the dispute has to be abandoned unresolved (Cullavagga 4.10). As can also be seen in the Buddha's advice to the bhikkhus of Kosambī, controversy should be dropped when there is danger of schism. Thus this *saṅghādisesa* also applies to a protagonist with 'noble' intentions persisting in a dispute which is leading to schism; should the Saṅgha perform the Saṅghakamma of this rule against this 'righteous champion of the true Dhamma-Vinaya' (according as he sees it), then unless he abandons his cause he incurs a *saṅghādisesa* just the same!

SAṄGHĀDISESA 11

The Story

At one time, when the Buddha was dwelling at Rājagaha in the Bamboo Grove, Ven. Devadatta started a dispute on Dhamma-Vinaya and was proceeding towards a schism (as already described in the origin story of the previous rule). The conscientious bhikkhus were trying to dissuade Ven. Devadatta from schism when four of his associates – Ven. Kolālika, Ven. Kaṭamorakatissaka, Ven. Khaṇḍadeviyāputta and Ven. Samuddadatta – came to his support saying:

> "Do not speak thus, venerable ones; Ven. Devadatta is one who speaks Dhamma, Ven. Devadatta is one who speaks Vinaya, and Ven. Devadatta is acting with our consent and approval. Ven. Devadatta knows that he is speaking for us as well, and that which he speaks is also pleasing to us."

When the conscientious bhikkhus heard that these four were throwing their support behind a potential schismatic, they approached the Buddha and asked what further course to follow. The Buddha then established the 11th *saṅghādisesa* aimed at preventing schism by restraining the supporters of a potential schismatic.

Rule – Translation

Should one, two or three monks who are followers and partisans of that (potential schismatic) monk say, "Do not Venerable Sirs, admonish that monk in any way. He speaks Dhamma, he speaks Vinaya and he acts with our consent and approval. He knows that he is speaking for us, and that (which he speaks) is also pleasing to us", these monks are to be admonished by the monks thus: "Do not speak thus, Venerable Sirs. That monk is not one who speaks Dhamma, that monk is not one who speaks Vinaya. Do not, Venerable Sirs, approve of a schism in the community. Let the venerable ones be reconciled with the community, for a community in concord, on complimentary terms, without dispute, with a common recitation, dwells in peace". And should these monks, thus admonished, persist as before, they are to be formally admonished, up to three times by the monks so as to desist. If being formally admonished up to three times by the monks, they desist, that is good. If they do not desist, it entails initial and subsequent meetings of the community.

Rule – Synopsis

Refusing to give up one's support of a potential schismatic, after the third formal, admonishment is a saṅghādisesa.

The bhikkhu who is a potential schismatic is the protagonist of a dispute on Dhamma-Vinaya which is proceeding towards schism, as described in the previous rule. When a conscientious bhikkhu hears another bhikkhu speaking out in support of the potential schismatic, as in the origin story above for example, then it is his duty to attempt to dissuade him from speaking thus; should the conscientious bhikkhu neglect this duty, he incurs a *dukkata*.

If the partisan of the would-be schismatic continues to speak words of support, then a second and a third attempt should be made to informally dissuade him ‘outside of the Saṅgha’. Should the partisan pay no heed to the entreaties of the conscientious bhikkhus and continue as before, then he incurs a *dukkata*.

The Saṅgha should then be convened and the partisan bhikkhu ‘pulled’ into its midst. He should then be admonished informally in front of all the bhikkhus and asked to stop speaking out in support of the potential schismatic. Should the partisan not yield to the request of the Saṅgha, he should be informally admonished a second and a third time; if he still maintains to speak out in support, he incurs a further *dukkata*.

The Saṅgha, still convened with the partisan in its midst, should formally admonish the partisan by a Saṅghakamma consisting of a motion followed by three announcements. Should the partisan stop the Saṅghakamma by agreeing to withdraw his support before the second announcement has been recited, he incurs a *dukkata* and the matter goes no further. Should he interrupt the Saṅghakamma after the second announcement has been completed but before the third announcement is finished and agree to withdraw his support, then he incurs a *thullaccaya*. But once the third announcement is completed, the partisan incurs a *saṅghādisesa*.

As in the previous rule, the *saṅghādisesa* offence arises only after this particular Sanghakamma has been properly performed. When the Saṅghakamma has been properly performed, then the partisan incurs a *saṅghādisesa* even if he thinks the decision unjust. But when the Saṅghakamma is wrongly performed, then the partisan incurs a *dukkata*.

One of the binding requirements on all Saṅghakamma is that the Saṅgha may not recite a formal resolution covering more than three bhikkhus at a time. For example, the Saṅgha may ordain three candidates as bhikkhus under one and the same formal resolution, but no more than three (Mahāvagga, 1.74); and a Saṅgha (here meaning four or more bhikkhus) may not suspend another Saṅgha in a single Saṅghakamma (Mahāvagga, 9.2). Should the Saṅgha include four or more bhikkhus in the same Saṅghakamma, then the Saṅghakamma is invalid. Thus, when there are several bhikkhus speaking out in support of the potential schismatic, the Saṅgha may invoke the Saṅghakamma of this rule, imposing a *saṅghādisesa*, on one, two, or at most three partisan-bhikkhus at a time.

When there are more than three partisans, as in the origin story to this rule, this Saṅghakamma imposing a *saṅghādisesa* becomes almost impossible to perform. When acting against three of the partisans, there is at least one partisan-bhikkhu remaining who can protest and legitimately stop the Saṅghakamma (the protest of bhikkhus against whom the Saṅgha is acting, neither stops nor invalidates the Saṅghakamma). It is perhaps not surprising, then, that the Saṅgha at Rājagaha was unable to prevent Devadatta and his four partisans from bringing about a schism.

Once a schism has occurred, the protagonist of the dispute which led to the split becomes a ‘schismatic’ (*saṅghabedaka*), one of the 11 ‘*abhabbapuggala*’ or ‘disqualified types’; such a one may not be re-ordained as a bhikkhu, and if he is

ordained by mistake, on discovery he should be expelled at once. Instigating a schism is thus tantamount to a *pārājika*. As for the partisans of the schismatic, should they wish to rejoin the Saṅgha they may do so having confessed a *thullaccaya* (Cullavagga, 7.4.4)

SAṄGHĀDISESA 12

The Story

At one time, while the Buddha was staying in Ghosita's park at Kosambī, Ven. Channa persistently refused to accept admonishment from the other bhikkhus concerning his bad habits. He had been the Buddha's charioteer when the Lord was still a Prince of the Sakyans, and so having known the Lord so long considered himself superior to the other bhikkhus. He would say:

> "Who do you think you are to admonish me? It is I who should admonish you! The Buddha is mine, the Dhamma is mine, and it was by my young master that the Dhamma was realized. Just as a great wind blowing hard would gather up grass, sticks, leaves and other rubbish, or a mountain born river would collect up weeds and scum, so have you, in going forth, been gathered up from various families and clans! Who, then, do you think you are to admonish me? It is I who should admonish you!"

When the conscientious bhikkhus told the Buddha of Ven. Channa's arrogance, he convened the Saṅgha and summoned Ven. Channa into its midst. The Buddha admonished the haughty bhikkhu and then laid down this *saṅghādisesa* rule, establishing a penalty for one who refused to accept the admonishments of his fellow bhikkhus.

Rule – Translation

In case a monk is by nature difficult to admonish – who when being legitimately admonished by the monks with reference to the training rules included in the recitation, makes himself unadmonishable (by saying) "Do not, Venerable Sirs, say anything to me, good or bad, and I will not say anything to the Venerable Sirs, good or bad. Refrain, Venerable Sirs, from admonishing me" – that monk should be admonished thus by the monks: "Let the Venerable One not make himself unadmonishable. Let the Venerable One admonish the monks in accordance with righteousness, and the monks will admonish the Venerable One in accordance with righteousness; for it is thus that the exalted one's following is nurtured: through mutual admonition, through mutual rehabilitation". And should that monk, thus admonished by the monks, persist as before, he is to be formally admonished up to three times by the monks so as to desist. If he does not desist it entails initial and subsequent meetings of the Saṅgha.

Rule – Synopsis

Refusing to give up being difficult to admonish after the third formal admonishment in a meeting of the Saṅgha, is a saṅghādisesa.

Admonishing a Fellow Bhikkhu

Mutual admonishment concerning each other's failings, when done in the manner prescribed by the Buddha, is one of the most beautiful and rewarding of traditions bequeathed by the Lord to the bhikkhus. When a bhikkhu commits an offence and appears to make no effort to make amends, or when he proclaims an opinion on Dhamma-Vinaya which is a gross wrong view (see *pācittiya* 68), or when he maintains himself by a wrong mode of livelihood, then it is the duty of his fellow bhikkhus to bring this to his notice by kindly admonition.

Just prior to admonishing another, a bhikkhu should first consider his own bodily conduct and speech, to make sure that he himself is pure of the fault which he is about to point out in another. He should further consider his own understanding of Dhamma-Vinaya, that he will speak only of what is fact. He should investigate his intentions; whether he is acting out of *mettā* and *karuṇā*; or out of malice, hatred, jealousy or fear. Then the admonisher should choose the right time and place, where the bhikkhu he is to admonish will not be caused embarrassment, when he is not irritated, busy or tired – in short, when he is most amenable to receiving criticism from another. And, lastly, the admonisher should resolve to speak gently, not harshly, nor with fear, and to the point (Cullavagga, 9.5).

He should then respectfully ask leave from the bhikkhu he is about to admonish; to admonish another without asking for his leave is a *dukkata*. One should always give one's leave to be admonished, when asked, thereby opening oneself up to helpful advice, except when the admonisher is a scoundrel (*alajjī*) or is one undergoing a penalty imposed by Saṅghakamma, such as Mānatta or Ukkhepaniyakamma for example (Mahāvagga, 2.16.3; Cullavagga 1.5). Otherwise, one should always strive to accept admonishment with gratitude and humility.

When one is admonished about what is not a heavy offence (*garukāpatti*) and the admonisher is a respected Thera, then one should confess the offence, even if only out of faith in the learned Thera's judgement (Mahāvagga, 10.1.8; Cullavagga, 11.1.10). But if one does not agree with the admonition received, in particular when the charge concerns a heavy offence (*saṅghādisesa* or *pārājika*), then the matter should be brought to the senior Thera as soon as possible for further investigation and, if necessary, a Saṅgha-trial convened.

There are many further offences in the Vinaya connected with the misuse of this fine tradition of mutual admonition:

- A bhikkhu who fails in his duty to admonish a fellow bhikkhu can incur a *pācittiya* for intentionally concealing another's heavy offence or a *dukkata* for concealing his light offence (from *pācittiya* 64), or he could incur a *dukkata* for neglecting to admonish a bhikkhu with a gross wrong view

(from *pācittiya* 68). However, should one consider that admonishing the transgressor may lead to dissension in the community or even to schism, or that the transgressor may become violent and physically harm you, then it is one's duty *not* to ask for leave, *nor* to admonish him (from *pācittiya* 64).

- Should a bhikkhu ask for leave to admonish another bhikkhu without good grounds, he incurs a *dukkata* (Mahāvagga, 2.16.3) and should the admonition amount to a groundless accusation of an offence, then he incurs a *saṅghādisesa* when the charge is one of *pārājika* (*saṅghādisesa* 8) or a *pācittiya* when it concerns any other class of offence (*pācittiya* 76 or *pācittiya* 1).

- Acting disrespectfully to one who admonishes you, for example being rude to him or doing the very same thing again out of spite, is a *pācittiya* (*pācittiya* 54).

- Listening to the admonition but excusing oneself by asking for a 'second opinion' is a *pācittiya* (*pācittiya* 71), as is attempting to excuse oneself by pleading ignorance unreasonably (*pācittiya* 73).

- And lastly, one who refuses to accept admonition, as did Ven. Channa in the origin story, becomes the subject of this *saṅghādisesa* rule.

A Bhikkhu Who is Difficult to Admonish

The Anumāna Sutta, No. 15 of the Majjhima Nikāya, lists a number of unwholesome traits *anyone* of which makes a bhikkhu difficult to admonish: he has evil desires; exalts himself and degrades others; he is easily angered and because of this he harbours ill will, holds a grudge, utters angry words; accused he throws a tantrum (literally, 'explodes'); accused he is insulting; accused, he returns the accusation; he evades back and forth; he does not respond to advice; he is mean and spiteful; he is jealous and possessive; he is scheming and deceitful; he is stubborn and proud; he is attached to his present ways, obstinate and unable to let them go.

When one encounters such a bhikkhu who disdainfully refuses to accept admonition, then one should make three attempts outside of the Saṅgha to dissuade him from acting thus; neglecting this duty, one incurs a *dukkata*. Should he continue to refuse admonition, then he incurs a *dukkata*.

The Saṅgha should then be convened with that bhikkhu pulled into its midst. He should then be requested, on behalf of the Saṅgha and in front of the Saṅgha, a further three times to give up being difficult to admonish. Should he continue in his arrogant obstinacy, then he incurs another *dukkata*.

The Saṅgha, still convened with the trouble-maker in their midst, should formally admonish that bhikkhu, whether he pays heed or not, by a Saṅghakamma consisting of a motion and three announcements. When that bhikkhu interrupts the

Saṅghakamma, by agreeing to accept admonition, before the second announcement has been fully recited, he incurs one further *dukkata*. Should he interrupt the Saṅghakamma after the second announcement has been completed but before the third announcement is finished, agreeing to accept admonishment now then he incurs a *thullaccaya*. But once the third announcement has been fully recited, he incurs a *saṅghādisesa*.

As in the previous two rules, the offence is a *saṅghādisesa* only if the Saṅghakamma has been legitimately performed; when it has been improperly performed, the offence incurred by that bhikkhu is a *dukkata*.

Having been given a *saṅghādisesa*, should that bhikkhu carry on as before there are further procedures that the Saṅgha can employ: they may suspend his Pātimokkha and Pavāraṇa, that is exclude him by a further Saṅghakamma from these meetings of the community (Mahāvagga, 4.16.2; Cullavagga, 9.2); or they may perform the 'act of suspension' (*ukkhepaniyakamma*) against him for not making amends for an offence or for not seeing an offence. This last Saṅghakamma can also be performed against a bhikkhu who accepts admonishment but does nothing about the offences pointed out to him.

SAṄGHĀDISESA 13

The Story

At one time, when the Buddha was staying at Sāvatthī in the Jeta Grove, Ven. Assaji and Ven. Punabbasuka, two of the six leaders whose followers came to be known as the 'group of six monks', together with many bhikkhu-followers, went to reside by the town of Kiṭāgiri. There, this 'group of six monks' behaved improperly, ignoring their precepts and neglecting the duties of a bhikkhu, in order to become popular with the laypeople and win their support. The laypeople of Kiṭāgiri came to like this sociable, hearty and playful group of six monks and, knowing no other bhikkhus but these, came to expect such worldly behaviour from all bhikkhus. Thus it was that the families of Kiṭāgiri were corrupted by the group of six monks.

Some time later, a certain bhikkhu who was travelling to Sāvatthī to see the Buddha, arrived at Kiṭāgiri and entered the town to walk for alms food. He walked gracefully, silently, with mindfulness and restraint. The laypeople of Kiṭāgiri, seeing a well behaved bhikkhu for the first time, said of him:

> "Who can this be? This idiot of idiots, this fool of fools, this extremely supercilious fellow! Who would give alms food to him? Our masters though, the group of six monks, are amenable, genial, a pleasure to speak with, becoming with smiles, saying 'Come, you are welcome'. They are not snobbish. They are approachable. They are the first to speak. Therefore it is to them that alms food should be given."

One layman, who alone in Kiṭāgiri appreciated the good conduct of that bhikkhu, invited him to take his meal at his house. The layman, having fed and satisfied that bhikkhu, respectfully asked him to inform the Buddha, when he reached Sāvatthī, of the misbehaviour of the group of six monks and its effect in corrupting the laity of Kiṭāgiri. This the bhikkhu did, and the Buddha sent Ven. Sāriputta and Ven. Moggallāna together with a large company of well behaved bhikkhus to Kiṭāgiri to perform a formal act of the Saṅgha (Saṅghakamma) banishing the group of six monks from the region of Kiṭāgiri.

The Act of Banishment (*pabbājaniyakamma*) was duly carried out against the group of six monks in Kiṭāgiri, but they did not accept the act of banishment. Instead they ignored the well behaved bhikkhus, cursed them and reviled them. Thereupon the conscientious bhikkhus informed the Buddha of this and he established this 13th *saṅghādisesa* covering groundless criticism by the recipients of a formal Act of Banishment.

Rule – Translation

In case a monk living in dependence on a certain village or town is a corrupter of families, a man of depraved conduct – whose depraved conduct is both seen and heard about – he is to be admonished thus by the monks: "You, Venerable Sir, are a corrupter of families, a man of depraved conduct. Your depraved conduct is both seen and heard about, the families corrupted by you are both seen and heard about. Leave this monastery, Venerable Sir. Enough of your staying here". And should that monk, thus admonished by the monks, say about the monks, "The monks are prejudiced by favouritism, prejudiced by aversion, prejudiced by delusion, prejudiced by fear, in that for this sort of offence they banish some and do not banish others", he is to be admonished thus by the monks: "Do not say that Venerable Sir, the monks are not prejudiced by favouritism, are not prejudiced by aversion, are not prejudiced by delusion, are not prejudiced by fear. You, Venerable Sir, are a corrupter of families, a man of depraved conduct. Your depraved conduct is both seen and heard about, and the families corrupted by you are both seen and heard about. Leave this monastery, Venerable Sir. Enough of your staying here". And should that monk, thus admonished by the monks, persist as before, he is to be formally admonished up to three times so as to desist. If, being formally admonished three times by the monks, he should desist, that is good. If he should not desist, it entails initial and subsequent meetings of the community.

Rule – Synopsis

Refusing to stop criticizing an act of banishment performed against oneself, after the third formal admonishment in a meeting of the Saṅgha, is a saṅghadisesa.

A 'Corrupter of Families' (*kuladūsaka*)

The term 'corrupter of families' refers to a bhikkhu who, by behaving in a demeaning, frivolous or subservient way, succeeds in ingratiating himself to laypeople to the

extent where they withdraw their support from those bhikkhus who are earnest in their practice and offer it to such as him instead.

The Vibhaṅga defines the ways in which a bhikkhu might ‘corrupt families’ as: he gives small presents to the laypeople such as flowers or fruit; he serves as their doctor; he runs errands for them; or he acts in a depraved way such as by planting flowers, watering them[32], plucking the blooms and making garlands to present to womenfolk. The Samantapāsādikā extends this definition to include all the examples of bad behaviour, listed in the full origin story to this rule[33], by which the group of six monks corrupted the families of Kiṭāgiri:

> They made and caused to be made garlands and wreaths of flowers which they presented to young women; drank from the same cup, sat on the same mat, shared the same couch, and shared the same blanket with her; they ate food in the afternoon and during the night; they drank intoxicants; they played with toys, they did somersaults and other acrobatics, and they performed stunts; they mimicked other people’s deformities; they learned archery, swordsmanship and horsemanship; they ran in front of elephants, horses and chariots, then they would run backwards; they whistled and snapped their fingers; they wrestled and boxed; and, having spread their upper robes as a stage, they would say to a dancing girl, “Dance here, sister!” and they applauded her.

Any one of these or similar actions, taken in isolation, results in at least a *dukkata* and sometimes a *pācittiya*, as in the case of eating at the wrong time or drinking alcohol. But when such misbehaviour is indulged in regularly, to the point where such naughtiness becomes common knowledge (‘seen and heard about’) amongst the laypeople, thereby threatening to corrupt the families, then they become legitimate grounds for banishing that mischievous bhikkhu from that particular community until he mends his ways.

The Act of Banishment (*pabbājaniyakamma*)

The Act of Banishment is treated in detail in a section of the Cullavagga (1.13-17) which begins with the same origin story as that in this rule. There it is said that a community of bhikkhus, if it so desires, has the authority to perform an act of banishment against a bhikkhu who misbehaves in any of the following ways:

1) He is a maker of strife, disputes, quarrels and issues in the community.
2) He is ignorant, inexperienced and has many offences for which he has not made amends.

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[32] Though it is allowable to cause flowers to be planted in appropriate places around a monastery if it is for the benefit of a shrine or when it is for inspiring visitors, and bhikkhus may water such flowers, according to the Samantapāsādikā, as long as the water contains no living beings that might die as a result.

[33] The origin story presented above is a shortened version of the full origin story to be found in the Vinaya-*piṭaka*.

3) He lives in unbecoming association with householders.
4) He is corrupt in his precepts, corrupt in his conduct (which according to the Vinayamukha means engaging in conduct which is unbecoming for a bhikkhu, but which technically speaking involves no breach of the rules), or he is corrupt in his views.
5) He speaks in dispraise of the Buddha, Dhamma or Saṅgha.
6) He is frivolous in word, deed or both.
7) He misbehaves in word, word or both.
8) He is vindictive in word, deed or both.
9) He practises wrong modes of livelihood.

Of these categories of misbehaviour, the last is the most likely to lead to an act of banishment and also the one most commonly encountered; it includes such shameful practices as the following:

a) Running messages and errands for kings, ministers of state, householders, etc. A modern example would be participating in political campaigns.
b) Scheming, talking, hinting or belittling another for the sake of material gain; pursuing gain with gain (giving items of small value in hope of receiving items of greater value in return, making investments in hope of profit, offering material incentives to those who make donations)[34].
c) Practising worldly arts, such as medicine, fortune telling, astrology, exorcism, reciting charms, casting spells, performing ceremonies to counteract the influence of the stars, determining propitious sites, setting auspicious dates (for weddings etc.), interpreting oracles, auguries or dreams, or – the words of the Vibhaṅga to the bhikkhunī's *pācittiya* 49 and 50 – any art which is 'external and not connected with the goal'.[35]

When a bhikkhu has been formally banished for indulging in any of these activities, he is duty bound to go away and mend his ways so that the act of banishment may be revoked. If instead of mending his ways, he reviles the act of banishment or those who performed it, then it is the duty of a bhikkhu who knows of this to admonish him, neglecting this duty is a *dukkata.* Should the banished bhikkhu pay no heed, then he should be informally admonished outside of the Saṅgha a second time, and a third time. Should he still continue as before, then the banished bhikkhu incurs a *dukkata.*

The Saṅgha should then be convened and that bhikkhu pulled into its midst. He should then be requested, on behalf of the Saṅgha, to stop criticizing the act of banishment and those who performed it and to submit to the act of banishment. Should he remain unrepentant, he should be thus admonished before the Saṅgha a second and third time. If he still continues as before, he incurs a further *dukkata.*

[34] For a full discussion of these practices, see Ven. Ñanamoli's translation of the *Visuddhimagga*, '*The Path of Purification*', pages 24-30.

[35] An extensive, though not exhaustive, list of worldly arts is given in the Brahmajāla and Samaññaphala Suttas of the Dīgha Nikāya. Ven. Bhikkhu Bodhi's translations are particularly recommended.

The Saṅgha should then formally admonish that bhikkhu by a Saṅghakamma consisting of a motion and three announcements. When that bhikkhu interrupts the Saṅghakamma before the second announcement has been recited and yields to the will of the Saṅgha, then he incurs one last *dukkata*. Should he interrupt the Saṅghakamma after the second announcement is over but before the third is complete, then he incurs a *thullaccaya*. Once the third announcement has been recited, he incurs a *saṅghādisesa*.

As with the previous three rules, should the Saṅghakamma be improperly performed, the bhikkhu incurs a *dukkata*.

Summary of the 13 *Saṅghādisesa*

The 13 *saṅghādisesa* rules – 5 concerning sexual misconduct; 2 concerning building regulations for a bhikkhu's dwelling; 2 about groundless accusations of *pārājika*; and 4 which take effect only after a formal act of the Saṅgha – are next in severity to the *pārājika*. They are 'heavy offences' (*garukāpatti*) arising from gross misbehaviour.

The first two rules, concerning masturbation and sexual contact with a woman's body, are the most likely to be broken and so they have been explained in cautionary detail. The remaining rules being less likely to occur have been treated a little less exhaustively. Indeed, it is improbable that the last four *saṅghādisesas* would ever occur: any bhikkhu endeavouring to cause a schism; supporting a would-be schismatic, obstinately refusing admonishment, or persistently criticizing a Saṅgha's formal, act of banishment, is one who pays no regard to the authority of the Saṅgha. He would neither accept that he deserves a *saṅghādisesa* nor would he be willing to submit to a penance. He would go his own way, probably leaving the bhikkhu Saṅgha as did Devadatta and his supporters (*saṅghādisesas* 10 and 11), and as the group of six monks at Kiṭāgiri did also (*saṅghādisesa* 13). Seeing that it would serve no purpose, the Saṅgha would not initiate the formal act required to impose such a *saṅghādisesa*. Perhaps the value of these last four *saṅghādisesa* lies in the important points of Vinaya which they deal with by the way: they warn a bhikkhu of the 'danger sign' of schism, namely a dispute on Dhamma-Vinaya involving arrogant, angry and opinionated bhikkhus; they describe the beautiful and refined tradition of kindly admonishment; and they deal with a whole list of general misconduct, frivolous behaviour and wrong modes of livelihood which, though extremely unbecoming, are not emphasized so well elsewhere.

A bhikkhu who commits a *saṅghādisesa* is obliged to undergo a humiliating six day penance called *mānatta*, commencing not immediately but at the convenience of the local Saṅgha. The bhikkhu undergoing *mānatta*, throughout the period of his penance, has to keep the following four major rules:

1) Every day he must inform each bhikkhu staying in the monastery where he dwells, and each visiting bhikkhu also, that he is practising *mānatta* for committing a *saṅghādisesa*, naming precisely the type of gross act he has performed.

2) He must be in a monastery where there are always at least four other pure[36] bhikkhus.
3) He must not leave this monastery, even to go on alms round, unless he is accompanied at all times by four or more pure bhikkhus.
4) He must not be lie down at any time under the same roof where another bhikkhu is lying down (i.e. he must have a lodging separate from the other bhikkhus).

Should he transgress any one of these four major observances during any part of one day, then he incurs a *dukkata* and he may not count that day as one of the six required to complete the penance. There are many further observances (94 in all!) for a bhikkhu practising mānatta, such as the suspension of his seniority for example, but these are too numerous to repeat here[37]. This penance is not only a burden upon the offender, but also on the community of bhikkhus who have both to organize and supervise it. It is so designed to deter a bhikkhu from committing such a serious breach of discipline. It also serves to remove the feelings of guilt and shame which arise in a bhikkhu foolish enough to have committed a *saṅghādisesa*. When the bhikkhu has completed six uninterrupted days undergoing mānatta he becomes eligible to ask the Saṅgha for '*abbhāna*', rehabilitation. *Abbhāna* may then be given to him in a Saṅghakamma attended by at least 20 pure bhikkhus, thereby settling his offence.

If, however, a bhikkhu who commits a *saṅghādisesa* conceals it from his fellow bhikkhu, then he must observe an additional period of penance called *parivāsa*, with observances similar to those of *mānatta*, for the same number of days as the offence was concealed. Having completed the period of *parivāsa*, he may then ask to observe the six day *mānatta*, as already described above. The Samantapāsādikā defines 'concealment' in terms of 10 factors, which may be arranged in 5 pairs as follows:

1) He has committed a *saṅghādisesa* and he knows full well that he has performed an action which results in a *saṅghādisesa*
2) He has not been suspended (*ukkhepaniyakamma*) and he knows this. A bhikkhu who has been suspended is, for the duration of that penalty, of a separate 'saṃvāsa' or communion from all other bhikkhus. He has no business with other bhikkhus and they have none with him, not even in regard to informing about a *saṅghādisesa*.
3) There are no dangers, meaning floods, forest fires, dangerous animals infesting the way, precipitous paths or unsafe bridges or things similar, obstructing him from going to inform the nearest suitable bhikkhus and he does not consider there to be any such dangers.
4) He is able to go and inform another bhikkhu that is another bhikkhu, not under suspension, lives in a place which can be reached that very day, he is not too weak to go, he hasn't lost his voice or similar inabilities, and he does not think, rightly or mistakenly, that he is unable.

[36] Here, a 'pure' bhikkhu means one who is not also in the process of making amends for a *saṅghādisesa* offence.

[37] The full 94 observances can be found in the Cullavagga (2.6).

5) He desires to conceal the offence and conceals it beyond the next dawn.

When any of the first 8 factors, 4 pairs above, are lacking then the offence is not concealed and there is no *parivāsa* penalty. But when the first 4 pairs are complete, then the bhikkhu must inform another bhikkhu before the dawn of the next day, or else undergo the penalty of concealment. For example:

- A stupid bhikkhu, not bothering to study the Vinaya, commits a *saṅghādisesa* knowing that he has done something improper, even that it might be a *saṅghādisesa* but he is not sure, then, although he does not tell anybody, this is not counted as concealing and there is no *parivāsa* yet for him. But one year later he finds out for sure that his transgression was a *saṅghādisesa* and he manages to inform another bhikkhu of his offence before the following dawn, again there is no *parivāsa* for him. However, having found out for sure that he has committed a *saṅghādisesa*, should he then conceal it, as defined by factors (2)-(5)above, then he has to observe *parivāsa* for the same number of days that he conceals the offence, counting from the day that he first knew for sure that it was a *saṅghādisesa*.

- A bhikkhu living in a cremation ground commits a *saṅghādisesa* during the night but he is too afraid of ghosts to leave his hut before dawn to inform another bhikkhu. Even though there may be no ghosts, he thought that there were and he regarded them as 'dangers', thus it is not counted as concealing.

- A bhikkhu living in solitude commits a *saṅghādisesa* one night. The following morning, after his meal, he sets off with bowl and robe to the dwelling of the nearest bhikkhu. Arriving several days later he informs that bhikkhu of his offence and there is thus no concealment. However, in such a case these days, it would be advisable to send a letter by post as soon as possible to inform another bhikkhu.

- A bhikkhu commits a *saṅghādisesa* in the morning and decides to conceal it. That afternoon he meets several suitable bhikkhus but he does not inform them. Then during that night he becomes ashamed and reports the offence to a bhikkhu before dawn. Though he concealed the offence, he did not so beyond dawn and so he undergoes no *parivāsa*.

- A bhikkhu commits a *saṅghādisesa* and though there is a friendly (*sabhāga*) bhikkhu available to tell, he, because of embarrassment, conceals the offence past dawn. Embarrassment is no excuse and so that bhikkhu has to undergo *parivāsa*.

- A bhikkhu commits a *saṅghādisesa* and does not tell the nearest bhikkhu as he is hostile (*visabhāga*), that is, he fears that such a bhikkhu might strike him as a punishment, or that he might tell everybody else so as to maliciously ridicule him. The Samantapāsādikā states that this does not

count as concealing for that offending bhikkhu had reasonable grounds not to tell.

ANIYATA 1

The Story

At one time, while the Buddha was residing at Sāvatthī in the Jeta Grove, Ven. Udāyin went to visit a recently married young woman, the daughter of one of his lay supporters, and he sat together with her, just the two of them, in a private inner room of her house. When anyone else came within earshot, Ven. Udāyin would talk to her about Dhamma, such as encouraging her to keep the Uposatha and to offer almsfood for example, but as soon as they had left, he would immediately change the subject and resume conversing on worldly affairs. The respected female lay-follower Visākhā happened to see Ven. Udāyin sitting there with the young woman, just the two of them in the inner room of the house, and so she went up to him and said, with respect:

> "This is improper, Venerable Sir, and unsuitable, that the master should sit in private, in a screened place together with a woman, just you and her. Although, Venerable Sir, the master may have no desire for sexual intercourse, there are unbelieving people who are difficult to convince."

Ven. Udāyin took no notice of Visākhā's gentle reprimand and continued as before. Visākhā then told this matter to the conscientious bhikkhus and they informed the Buddha. The Buddha then convened the community of bhikkhus, rebuked Ven. Udāyin in front of the Saṅgha and then established the first *aniyata*.

Rule – Translation

Should any monk sit in private with a woman, just the monk and her, on a seat sufficiently screened to be suitable (for sexual intercourse), so that a trustworthy female lay follower having seen (them) might describe it as constituting one of three cases: defeat, initial and subsequent meeting of the community, or confession[38]*, (then) the monk acknowledging having been seated may be dealt with for one of the three cases: defeat, initial and subsequent meeting of the community, or confession*[39]*, or he may be dealt with for whichever (case) the female lay follower described. This case is undetermined.*

Rule – Synopsis

When a trustworthy female lay follower accuses a bhikkhu of a pārājika, saṅghādisesa or pācittiya, then her charge should be investigated and that bhikkhu dealt with according to whatever he admits.

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[38] The Vinayamukha in its Rule – Translation has '*and*' here instead of the correct '*or*' and this small slip unfortunately confuses its whole treatment of this rule.

[39] See footnote 38.

Aniyata means 'undetermined' or 'uncertain'. *Aniyata* is not a rule in the sense of the *pārājikas* and *saṅghādisesas*, nor is it another class of offence, but it is a procedure, like the *Adhikaraṇa-Samatha* at the end of the Pātimokkha. This procedure results in no one definite class of offence – there could be a *pārājika*, *saṅghādisesa* or a *pācittiya*, or even a *thullaccaya* or a *dukkata* – hence the title 'uncertain', 'undetermined'.

This first *aniyata* concerns accusations made against a bhikkhu by a trustworthy female lay follower arising from her seeing that bhikkhu sitting with a woman, in a screened place, where there is just the two of them:

- A 'trustworthy female lay follower' is defined by the Vibhaṅga as a woman who has attained to being a *sotāpanna* or beyond.

- 'Sitting with' here means that the bhikkhu is either sitting or lying down at the same time as the woman is either sitting or lying down

- A 'woman' here means any female human being, even one just born.

- A 'screened place' is any enclosure convenient for sexual intercourse, for example a room behind closed doors, a cave, a tent or a bower.

The Vibhaṅga and the Samantapāsādikā are in clear agreement that when such a woman levels a charge against that bhikkhu, seen by her in such a compromising situation, then the charge may not be dismissed out-of-hand but must be investigated thoroughly. However no matter how trustworthy the woman is, the bhikkhu may only be dealt with for that part, if any, of the woman's accusation to which he admits. This is the meaning of this *aniyata*; this is the precedent for similar charges set down by the Buddha.

Defining 'trustworthy' as being at least a *sotāpanna* means that bhikkhus are obliged to investigate such a woman's charge. When a lesser woman lays a charge against a bhikkhu then the other bhikkhus are not compelled to investigate it, though they are still free to do so should they consider it worthwhile. For example, Mettiyā the bhikkhunī, in the origin story to *saṅghādisesa* 8, would certainly not have been a *sotāpanna*, yet the Buddha investigated her accusation and interrogated the accused bhikkhu nevertheless. Similarly, as nothing is mentioned about an accusation made by a man, the bhikkhus are free to dismiss such a charge summarily or investigate it thoroughly, as they feel it appropriate. This *aniyata* obviously reflects the social standing of women in the India of twenty six centuries ago, where such legislation as this was required to prevent an accusation made by a virtuous woman being dismissed on the grounds of her sex.

When an accusation of an offence is being investigated by the bhikkhus, irrespective of who made the initial charge, the accused bhikkhu and all witnesses, of either sex, are to be interrogated thoroughly. The bhikkhu is expected to be honourable and give a true and complete account of his actions. It is to be noted that throughout the Vinayapiṭaka, the offending monk, though badly behaved in other ways, would almost

always give a true confession when challenged[40]. Therefore in most cases, should the accused bhikkhu admit to nothing blameworthy, then the matter should be dropped. Even when the investigating bhikkhus have serious doubts that the accused might be lying, that bhikkhu is still deemed innocent until such time as he admits to being guilty. But when the evidence against that bhikkhu is so incriminating as to prove beyond reasonable doubt that he is indeed guilty of the charge, yet he still refuses to admit his guilt, then the Saṅgha should proceed as follows: if the charge involves a *pārājika* then that bhikkhu should be expelled, forcibly if necessary (*nāsanā* – see Viniyamukkha Vol. 3, page 242 and Cullavagga 9.1); and if the charge concerns any other class of offence the bhikkhus should suspend the accused for 'not seeing an offence'.

ANIYATA 2

The origin story, the rule-translation, the rule-synopsis and all explanations of this rule, are only different from those of *aniyata* 1 in that the bhikkhu is seen by the trustworthy female lay follower sitting with a woman in a private place which is *not* screened.

A private place which is not screened is one out of sight and out of hearing of anybody else, but it is not enclosed by walls, curtains, bushes etc. For example, a bench in a deserted park, a room with the doors wide open or a car parked during the day in a deserted street, would all be private places not screened. Such a place, because of its openness to anybody who happened to come by, was considered 'inconvenient' for sexual intercourse, but private enough to flirt. Therefore, the accusations of the trustworthy female lay follower would probably concern either *saṅghādisesa* 2, 3 or 4 or *pācittiya* 45, though there is no reason to exclude the possibility of accusations concerning other rules also.

As in *aniyata* 1, when the accusation is made by a trustworthy female lay follower, then the charge has to be investigated thoroughly, and except in the case of overwhelming evidence to the contrary, the accused bhikkhu is to be dealt with only with what he admits.

For the sake of consistency, we include the rule-translation:

In case the seat is not sufficiently screened to be suitable (for sexual intercourse), but still convenient to address lewd words to a woman, then should any monk sit in private in such a seat, just the monk and her, so that a trustworthy female lay follower having seen (them), might describe it as constituting either of two cases: initial and subsequent meeting of the community or confession, (then) the monk acknowledging having been seated may be dealt with for either of the two cases: initial and subsequent meetings of the community or confession – or he may be dealt with for whichever (case) the female lay follower described. This case too is undetermined.

[40] The one exception which caused the use of the adverb 'almost' in this sentence was Ven. Uvāla – see Cullavagga 4.1.

NISSAGGIYA PĀCITTIYA 1

The Story[41]

At one time, when the Buddha was going from Rājagaha to Vesālī, he saw many monks walking along the same road who were 'loaded up with robes: carrying a bundle of robes on their heads, another bundle of robes on their shoulders and a further bundle of robes on their hips'. The Buddha then thought, 'These foolish men are turned already to having an abundance of robes, perhaps I should set a limit on robes for a monk'.

Not long afterwards, the Buddha arrived at Vesālī and he stayed there at the Gotamaka Shrine. There one night, in the middle of the Indian winter when the nights were the coldest, when sometimes even snow would fall, the Buddha sat out in the open wearing only one piece of cloth and he didn't feel cold. Later, when the first watch of the night was ending, the Buddha felt cold so he put on a second piece of cloth and then he didn't feel cold. Later, when the middle watch of the night was ending, the Buddha felt cold again so he put on a third piece of cloth and then he didn't feel cold. Then, when the last watch of the night was ending, at dawn, the Buddha felt cold once more so he put on a fourth piece of cloth and then he didn't feel cold. The Buddha then convened the local Saṅgha and addressed the monks saying:

> "Monks, even those of you who have gone forth from wealthy families, who are sensitive to the cold, who are fearful of the cold, even they are able to manage comfortably with just three robes. So I will set a limit on robes for a monk. I allow you, monks, just the three robes; a double layered *saṅghāṭi*, a single layered *uttarāsaṅga* and a single layered *antaravāsaka*."

While the Buddha was still residing at Vesālī, at the Gotamaka Shrine, the group of the six monks, thinking, 'Three robes are allowed to us by the Buddha', kept one set of three robes for entering the village, another set of three for use in the monastery, and a further set of three robes for when they went to bathe. When the monks of few desires saw this, they became upset and complained, "How can this group of the six monks keep extra-cloth?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Having been told that it was so, the Buddha admonished the group of the six monks and then established a rule which prohibited a monk from keeping an 'extra-cloth' (*atireka-cīvara*).

At this time, Ven. Ānanda had such great respect for Ven. Sāriputta that whenever he received a fine requisite he would give it to him, and Ven. Sāriputta had such gratitude towards Ven. Ānanda for attending on the Buddha that whenever he acquired a requisite of quality he would give it to Ven. Ānanda. Now Ven. Ānanda acquired a fine robe which he wanted to give to Ven. Sāriputta. But Ven. Sāriputta was away at Sāketa and, because of this rule; Ven. Ānanda could not keep the 'extra-

[41] The story presented here is adapted from the account given in the Mahāvagga, 8.13.1-8, because this account includes the Origin Story from *Nissaggiya Pācittiya* 1, as well as some extra material which gives a more complete background to this important rule.

cloth' until Ven. Sāriputta's return. Ven. Ānanda then went to the Buddha and told him of this. The Buddha then amended the rule to allow a monk to keep an 'extra-cloth' up to ten days, but no longer than that.

Later, an 'extra-cloth' accrued to some monks and so they asked the Buddha what they should so with it. The Buddha replied, "I allow you, monks, to store an 'extra-cloth' under '*vikappana*'".

Keeping an 'extra-cloth' beyond ten days, except when the end of the rainy-season privileges or the Kaṭhina privileges still apply, is a nissaggiya pācittiya.

Extra-Cloth (*atireka-cīvara*)

'Extra-cloth' is any piece of cloth suitable for a monk's robe, made up into a requisite or not, of a size exceeding 8 x 4 '*sugata*-inches', belonging to a monk, and which is neither 'determined-for-use' (*adhiṭṭhāna*) nor stored under '*vikappana*'.

Cloth suitable for a monk's robe traditionally refers to the six kinds of allowable materials: linen (*khoma*); cotton (*kappāsika*); silk (koseyya); wool (*kambala*); hempen cloth (*sāṇa*) and canvas (*bhaṅga*). Hempen cloth refers to the coarse fabric made from the inner fibres of bark from a plant similar to hemp; Ven. Mahākassapa wore robes made from this material. Canvas refers to any mixture of the other five types of thread woven into cloth (Mahāvagga 8.3.1 and Book of the Discipline Vol. 2, page143, notes 3 and 4). By extension, modern synthetic materials, such as nylon or polyester, would also be included as cloth suitable for a monk's robe.

Cloth made from one of the six allowable materials which is smaller than 8 x 4 '*sugata* inches' does not count as 'extra-cloth' (Mahāvagga 8.29.1). When a piece of cloth exceeds this minimum size in one dimension but not both, for example a bandage 100 *sugata* inches long but only 3 *sugata* inches wide, then according to the Burmese Vinaya Masters this too is not counted as 'extra-cloth' (there is nothing said either for or against this view in either the Vinayapiṭaka or in the Samantapāsādikā). The correct interpretation of the '*sugata* inch' and other '*sugata*' measures is still under discussion by learned scholars. The Samantapāsādikā states that one '*sugata* inch' is equal to three ordinary inches and so the minimum size for 'extra-cloth' becomes 2 feet x 1 foot (VA 639). However, here we take the '*sugata* inch' to be equal to an ordinary inch and, therefore, only pieces of cloth longer than 8 inches and wider than 4 inches count as 'extra-cloth'.

Only cloth which belongs to a monk can be 'extra-cloth'. Therefore, the bed sheets and pillowcases, for example, belonging to the Saṅgha which a monk uses in his dwelling do not count as 'extra-cloth'. Furthermore, cloth only becomes a monk's possession when it is received into his hand, for example; should a monk be away from his monastery and lay people come to offer a robe specifically for him, then the other monks may receive that robe and keep it for him until he returns, not matter how long. The robe is not 'extra-cloth' yet, because it does not belong to a monk yet, and so no one incurs an offence yet. But when the robe is handed over to the monk on his return, then it becomes 'extra-cloth', and from that moment he has ten days in which to determine the robe for use, store it under *vikappana*, or give it away (Mahāvagga 5.13.13).

When an 'extra-cloth' is 'determined for use' (*adhiṭṭhāna*) or 'stored under *vikappana*', then it is no longer regarded as 'extra-cloth'. There now follows a detailed explanation of 'determining for use' and 'storing under *vikappana*'.

Determining for Use (*adhiṭṭhāna*)

When a monk meant to use a piece of cloth for a specific purpose, then he was expected to 'determine' it for the particular use intended. This 'determining for use' is called *adhiṭṭhāna*. A monk may 'determine for use' only one piece of cloth as his *saṅghāṭi* (outer robe); one piece as his *uttarāsaṅga* (upper robe); one piece as his *antaravāsaka* ('living-indoors' robe); one piece as his *nisīdana* (sitting cloth); one piece as his *vassika-sāṭikā* (rains-cloth) but only during the rainy season; one piece as his *kaṇḍu-paṭicchādī* (skin-rash cloth) but only when he had a rash; one or two pieces as his *mukha-puṭchana-colaka* (face wiping cloth); as many pieces of cloth as he liked for his *paccattharaṇa* (sleeping sheets); and as many pieces of cloth as he likes for *parikkhāracolaka* (other cloth requisites, e.g. bags) (Mahāvagga 8.20.2 and VA 644f).

A monk may only 'determine for use' a piece of cloth which belongs to him. For example, he may not 'determine for use' a piece of cloth which he has borrowed temporarily, nor may he 'determine for use' a piece of cloth which belongs to the Saṅgha, such as the bed sheet and pillow case in his dwelling for instance. Furthermore, he may only 'determine for use' a piece of cloth which is 'extra-cloth', that is one which is suitable for a monk's robe as described above, longer than 8 inches and wider than 4 inches, and which is not already 'determined for use' as something nor 'stored under *vikappana*'. Should a monk want to determine for a particular use a piece of cloth which is already 'determined for use' as something else, then he should formally relinquish (*paccuddharaṇa*, see below) the former 'determined for use' first. Similarly, should he want to 'determine for use' a piece of cloth stored under '*vikappana*', then, he should formally relinquish (*paccuddharaṇa*) the '*vikappana*' first.

An 'extra-cloth' may be 'determined for use' by the owner in either of two ways: 'bodily' or 'verbally". Determining the cloth for use 'bodily' means that the monk grasps or touches the cloth with any part of his body and at the same time he resolves in his mind that the cloth is now to be used for a particular requisite, for example he resolves 'this is my *saṅghāṭi*'. Determining the cloth for use 'verbally' means that he speaks such a resolution out loud, not necessarily touching the cloth, not necessarily being in the same room as the cloth and not necessarily using a set Pāli formula. As an extreme example of what is allowable, one may determine a cloth for use which is hundreds of miles away by thinking of it and saying to oneself 'I will use that cloth as my outer robe (*saṅghāṭi*) from now on'. However, it is advisable to have the cloth nearby and it is customary to use a traditional Pāli stanza, such as '*imam sanṅghāṭim adhiṭṭhāmi*' or '*imam uttarāsaṅgam adhṭṭhāmi*' or '*imam antaravāsakaṃ adhiṭṭhāmi*' (VA 643).

According to the Samantapāsādikā (VA 645), a cloth ceases to be 'determined for use' due to anyone of the following 9 causes:

1. The cloth is given to another (which includes when it is forfeited as a consequence of committing any *nissaggiya pācittiya*).

2. The cloth is stolen, lost or destroyed.

3. The cloth is taken by another 'on trust' (*vissāsa*, as explained under *pārājika* 2 above, and at Mahāvagga 8.19.1).

4. The owner commits a *pārājika*.

5. The owner formally disrobes.

6. The owner dies.

7. The owner changes sex.

8. The owner formally relinquishes (*paccuddharaṇa*) the 'determination for use'.

9. The cloth is torn or develops a hole (this 'cause' breaks the 'determination for use' only for the three-robes, not for other cloth requisites).

When a cloth ceases to be 'determined for use' due to any one of these 9 causes and the cloth is still the possession of a monk and suitable to be used for one of the allowable cloth requisites, then such a cloth becomes an 'extra-cloth' (*atireka-cīvara*) again.

A cloth under 'determined for use' may be formally relinquished (*paccuddharaṇa*, cause No. 8 above) in either of two ways; 'bodily' or 'verbally'. 'Bodily' means that the owner grasps or touches his cloth and mentally resolves to relinquish it from use as a particular requisite, for example he resolves in his mind, 'I relinquish this cloth from use as my *saṅghāṭi*'. 'Verbally' means that he speaks such a resolution out loud, alone or in company, and, just as with 'determining for use', the cloth may be near or far and a set Pāli formula is not required. However, it is advisable to have the cloth nearby and it is customary to use a traditional Pāli stanza, such as "*imam sanṅghāṭim paccuddharāmi*" or "*imam uttarāsaṇgaṃ paccuddharāmi*".

According to the Samantapāsādikā, developing a hole or a tear (cause No. 9 above) only breaks the 'determination for use' on a cloth being used as one of the three robes (*ticīvara*). When another cloth requisite develops a hole, the sitting-cloth (*nisīdana*) for instance or even the rains-cloth (*vassika-sāṭikā*), then it remains 'determined for use' as before (VA 645). The Samantapāsādikā also states (VA 645ff) that to count as sufficient to break the 'determined for use', the hole must be at least the size of the nail on the little finger, penetrating both layers of cloth in the case of a *saṅghāṭi* or a patched robe, and located one hand span (about 10 inches) or more away from the short edge of the robe and 8 inches or more away from the long edge of a *saṅghāṭi* or *uttarāsaṅga*, or 4 inches or more away from the long edge of an *antaravāsaka*. When there are two adjacent holes, separated only by a single thread, each smaller than a little fingernail but combined greater than the size of the little finger nail, then this does not cause the 'determined for use' to cease (VA 645ff). However, other respected and learned Mahātheras argue that only when the tear of hole is of such a

size and in such a place as to make the robe impractical to wear does the 'determined for use' cease (Vinayamukha Vol. 2, p 166). When such a hole or tear is mended, then the cloth may be redetermined for use as a robe.

When a monk's robe becomes thin in one or several places, but a hole the size of the small fingernail located away from the edges is yet to appear, then if he strengthens those weak areas by sewing on small patches, the robe remains 'determined for use' just as before, it does not need to be redetermined. Only when the area of the patches is more than half the area of the robe does it need to be redetermined (VA 643). Similarly, if he makes his robe bigger by adding an extra piece of cloth, as long as what he adds is no bigger than that which is already 'determined for use', then the completed robe is considered 'determined for use' just as before, it does not need to be redetermined (VA 647). When a monk sews together the shorter edges of his *antaravāsaka* to make a 'cylinder' of cloth, and then cuts it across the width in what used to be the middle, hemming the cut edges, then the completed cloth is still 'determined for use' as his *antaravāsaka*, it does not need to be redetermined (this procedure would be done to spread the wear across the *antaravāsaka* thereby lengthening its useful life) (VA 647f). These three examples come from the Samantapāsādikā.

Storing the Cloth Under *Vikappana*

Vikappana is the method recommended by the Buddha for storing cloth not in use. That *vikappana* is a method of storing, *and only of storing*, is confirmed by the passage at Mahāvagga 8.20.2 where the Buddha states that the three robes, the sitting cloth, the face wiping cloths, the sleeping sheets and 'other cloth requisites' (*parikkhāracola*) are each to be 'determined for use' as such and not put under *vikappana*; furthermore, the rains-cloth (*vassikasātikā*) and the skin-rash cloth (*kaṇḍupaṭicchādī*) were *to be determined as such when in use*, then afterwards stored away by being put under *vikappana* until needed again. There is a specific rule, *pācittiya* 59, designed especially to prevent a monk wearing a robe that is still under *vikappana*. Furthermore, the Buddha said that when a monk wants to keep 'extra-cloth' (*atireka-cīvara*) beyond ten days, then he should store it away under *vikappana* (Mahāvagga 8.13.8).

A monk may only store under *vikappana* an extra-cloth (*atireka-cīvara*) which belongs to him. He may not store under *vikappana* cloth which belongs to the Sangha or cloth which is unsuitable for a monk's robe, or a piece of cloth smaller than 8 x 4 *sugata* inches, or cloth which is already 'determined for use'. In this last case, once the 'determined for use' has ceased for any of the 9 causes listed above, then he may store the cloth under *vikappana*.

Some of the methods for storing a cloth under *vikappana* are rather obscure and so here only the simplest method of *vikappana* is that one takes the extra-cloth to another monastic (monk, *sāmaṇera*, bhikkhunī, *sikkhamānā* or *sāmaṇerī*) and one says in their presence "*imaṃ cīvaraṃ tuyhaṃ vikappemi*", which means "I place this cloth under *vikappana* with you". The cloth may then be stored for as long as one pleases without incurring any offence under this rule, but it may not be used. Should the original

owner of the cloth want to use that cloth for something, then he has to take it to the same monastic with whom he placed the cloth under *vikappana* and ask him (or her) to formally relinquish the *vikappana*, for example by asking him or her to say "*mayheṃ santakaṃ paribhuñja vā vissajjehi vā yathāpaccayaṃ vā karohi*", which means "use (this cloth) of mine as your own, or exchange it or do whatever is appropriate with it". It is not necessary to use this particular Pāli formula, although it has become traditional to do so. Even saying in English, "I relinquish the *vikappana*" or "I give this cloth to you" would be sufficient. Once the *vikappana* on the cloth has been relinquished in this way, the owner of the cloth may determine it for use as he requires.

The *vikappana* on a cloth ceases not only because the 'co-owner' formally relinquishes (*paccuddharaṇa*) the *vikappana*, but it also ceases for any one of the other first eight causes (but not for the ninth cause) listed above which result in the 'determination for use' on a cloth ceasing, namely: 1. It is given away; 2. It is stolen, lost or destroyed; 3. It is taken 'on trust'; 4. One of the co-owners commits a *pārājika*; 5. One of the co-owners formally disrobes; 6. One of the co-owners dies; 7. One of the co-owners changes sex; 8. When the co-owner formally relinquishes the *vikappana*, as explained in the paragraph above. For example, when a monk has stored a cloth under *vikappana* with a close friend who fulfils the five conditions for taking 'on trust' (*vissāsa*, Mahāvagga 8.19), then when he takes that cloth 'on trust' the *vikappana* automatically ceases and he may then determine the cloth for use as he requires.

In summary, 'extra-cloth' (*atireka-cīvara*) is any piece of cloth belonging to a monk, suitable for use as one of the allowable cloth requisites, of a size exceeding 8 inches x 4 inches in both dimensions, and which is neither 'determined for use' nor stored under *vikappana.*

The Offence of *Nissaggiya Pācittiya*

Should any monk keep an 'extra-cloth' (*atireka-cīvara*) more than ten days, except when the end of the rainy-season privileges or the Kaṭhina privileges still apply, then he incurs a *nissaggiya pācittiya.*

Ten days are completed on the tenth dawn counting from the time when the 'extra-cloth' becomes the monk's possession, or counting from the time when a piece of cloth which was determined for use or stored under *vikappana* reverts to being a monk's 'extra-cloth'. For example, when a monk receives a ready-made robe on the afternoon of Sunday 22nd March and he keeps it neither determining it for use, nor storing it under *vikappana*, then on the dawn of Wednesday 1st April the foolish monk incurs a *nissaggiya pācittiya.*

A second example, a monk receives some white cloth at noon on Monday 1st May, sews it into a *saṅghāti* by the following Friday, dyes it a suitable colour on Wednesday 10th May and finally determines it for use as his *saṅghāṭi* on Thursday 11th May at 11 a.m., then this monk has to confess a *nissaggiya pācittiya* which occurred at dawn on Thursday 11th May, being the tenth dawn after he received his

'extra-cloth' (white cloth, though an unsuitable colour for a monk's robe, can easily be dyed an appropriate colour and therefore it counts as 'extra-cloth').

A third example; when a monk's *uttarāsaṅga*, under determination for use as such, develops a large tear in the centre of the cloth during the evening of Tuesday 3rd June and he neglects to do anything about it, then on the dawn of Friday 13th June that unfortunate monk incurs a *nissaggiya pācittiya* for keeping an 'extra-cloth' beyond ten day s. For ease of remembrance, the ten day limit is always less than 10 x 24 hours.

(The Pāli text can be confusing here because it states that the offence occurs on the 11th dawn! However, this is explained in the Samantapāsādikā by counting the dawn of the day on which the cloth was received as dawn number 1, then the first dawn *after* the cloth was received is dawn number 2, and the tenth dawn after the cloth was received becomes dawn number 11 in the Pāli idiom [VA 639].)

A monk who keeps an 'extra-cloth' beyond the tenth dawn incurs a *nissaggiya pācittiya*. Even when he doesn't realize that he has kept an 'extra-cloth' beyond ten days, for example he miscounts the days, then he incurs a *nissaggiya pācittiya* just the same. He is then prohibited from using that cloth in any way until after the offence has been resolved; should he use a cloth which is to be forfeited then he incurs a *dukkata*. He has to forfeit the cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence of *nissaggiya pācittiya* with a single monk. Usually he would choose to forfeit the cloth to a single monk also. After the offence has been confessed the forfeited cloth should be returned to the offending monk, not to return it being an offence of *dukkata*. Having received his 'extra-cloth' back, he has a further ten days to determine it for use, store it under *vikappana* or give it away.

It is the tradition that one speaks certain Pāli formulae when forfeiting the cloth and these can be found in such books as 'A Bhikkhu Manual – Vinaya Notes'. However, the Samantapāsādikā specifically states that a monk who is unable to speak Pāli may use any other language instead (VA 640).

There is no offence under this rule when, before the tenth dawn, the 'extra cloth' is determined for use as a requisite, stored under *vikappana*, given away, taken away 'on trust' (*vissāsa*, see Mahāvagga 8.19), stolen, lost, destroyed or otherwise made no longer the possession of that monk. There is also no offence here for a monk who has 'end of the rainy-season privileges' or 'Kaṭhina privileges'.

The End of the Rainy-Season Privileges and the Privileges

The last of the four lunar months of the rainy-season (*vassa*) was the traditional time of the year when lay people would offer robe-material and other requisites to the monks who had spent the Rain-Retreat (*vassa-āvāsa*) in their local monastery. In those days, the monks would often be wandering from place to place and it might only be in the Rains-Retreat, when travel was restricted, that the laypeople would get to know them well, hear their teachings regularly and thus at the end of the Rains-Retreat, out of gratitude, wish to present them with useful gifts. On the monks' part, the monsoon rains had just about ended and the roads would soon be dry and suitable

for travel once again, so now was the time for replacing their old robes as part of their preparations for further wandering. Thus, this last month of the rainy-season became known as the 'Robe-season' (*cīvara-dāna-samaya*) as in *pācittiya* 32, 33 and 46). It would be at this time of the year that most monks would make their robes.

In order to make it convenient, both for the laypeople who were offering robe-material and other accessories such as thread and for the monks who were sewing and dyeing that material into robes, six of the training rules cease to apply throughout the last month of the rainy-season for all monks who have completed the Rains-Retreat that year. The six rules which cease to apply during this month are *nissaggiya pācittiyas* 1, 2 and 3, and *pācittiyas* 32, 33 and 46. In addition to these rule exemptions, any cloth which is offered to the Saṅgha at a monastery at any time during the Robe-Season (*cīvara-kāla*) may only be shared among the monks and *sāmaṇeras* who completed the Rains-Retreat there; it may not be given to a monk who is visiting, not even to a highly venerated visiting Arahant, until the time when the privileges are ended in that monastery. These exemptions and the rule about cloth offered to the Saṅgha at this time being reserved for the resident monks are called 'end of the rainy-season privileges'. They begin on the dawn which ends the full moon day known as '*Pavāraṇā*-Day'), and they last until the dawn which ends the full moon day one month later. A monk who did not complete the Rains-Retreat, or who entered the 'second' Rains-Retreat does not receive these 'end of rainy-season privileges'.

When a monk who has completed the (first) Rains-Retreat performs the Kaṭhina Ceremony then he receives what are called 'Kaṭhina privileges'. When a monk has 'Kaṭhina privileges' the six rules, *nissaggiya pācittiya* 1, 2 and 3, and *pācittiyas* 32, 33 and 46, cease to apply for him and any cloth offered to the Saṅgha at a monastery during the time the Kaṭhina privileges are still in force may only be shared among the monks who completed the Rains-Retreat there. Also, when a monk has Kaṭhina privileges he may enter the village without taking all three of his robes (Mahāvagga 8.23.2). The 'Kaṭhina privileges' begin as soon as the monk has performed the Kaṭhina Ceremony, and they last at most until the end of the cold-season, four months after the 'end of the rainy-season privileges' expire. However, a monk's 'Kaṭhina privileges' can expire before the end of the cold-season for either one of the following causes:

1. The local Saṅgha at a monastery make a formal resolution of the Saṅgha (a Saṅghakamma), consisting of a motion and one announcement, to remove the 'Kaṭhina privileges' of all the monks who completed the Rains-Retreat there (the words to be chanted are found in Nun's *pācittiya* 30). For the monks who spent the Rains-Retreat there but who left before the formal resolution was performed, then their 'Kaṭhina privileges' cease when they learn of the formal resolution.

2. The monk leaves the monastery where he completed the Rains-Retreat with no plans to return *and* he has no intention to make any more robes this Robe-Season. Both these requirements are needed to end that monk's 'Kaṭhina privileges'. For example, should he leave the monastery with no

plans to return but he still aims to make a *saṅghāṭi* somewhere along the way, then he keeps his 'Kaṭhina privileges'.

When neither of these two causes occurs, then the monk's 'Kaṭhina privileges' last until the dawn which ends the full moon day five months after *Pavāraṇā*-Day.

As far as the *nissaggiya pācittiya* is concerned, there can be no offence for a monk who keeps an 'extra-cloth' beyond ten days when he has 'end of the rainy-season privileges'. For example, a monk who receives an 'extra-cloth' on October 6th, *Pavāraṇā*-Day being on October 15th, may keep his 'extra-cloth' as such until the end of his 'Kaṭhina privileges'. However, a monk who receives an 'extra-cloth' on March 2nd, his 'Kaṭhina privileges' expiring on the dawn of March 10th, has to determine that cloth for use, store it under *vikappana* or give it away, before the dawn of March 12th or else he incurs an offence of *nissaggiya pācittiya* for keeping an 'extra-cloth' beyond ten days.

A Note on Some of the Ways This Rule Has Been Interpreted

It is obvious from the Origin Story quoted above, that the Buddha's intention is establishing this rule was to prevent a monk having more than the three robes to wear, thereby helping to keep a monk's material possessions down to a practical minimum. To enforce this limit, the three-robes had to be determined for use as such and any 'extra-cloth' had to be stored under *vikappana* with a fellow monastic, thereby discouraging him from storing too much cloth, or else given away within ten days. However, at the time Ācariya Buddhaghosa compiled his Vinaya Commentary, the Samantapāsādikā, there was already a strong body of opinion in favour of determining the three robes that a monk wore a *parikkhāracola* in order to avoid the offences of *nissaggiya pācittiya* 2. Ācariya Buddhaghosa records only one Thera speaking out against the practice of determining the robes as *parikkhāracola*, while he records many other contemporary authorities on Vinaya as arguing that this practice was not specifically prohibited by the Buddha therefore it is allowable and, moreover, it removes the inconvenience of having to be with one's three robes at dawn for monks striving in the forest (VA 644). Using the Samantapāsādikā as their authority, many monks now, most of whom do not live in the forest, determine the robes that they wear as *parikkhāracola*. There is no limit on the number of pieces of cloth that a monk may determine for use as *parikkhāracola*, so once it was considered permissible to wear *parikkhāracola*, monks soon had more than three robes, all determined for use as *parikkhāracola*! Thus the Buddha's original intention when he established this rule became forgotten.

It seems that the desire to have more than three robes to wear combined with the uncertainty about some of the methods of *vikappana* led some monks to suggest that one can put a spare robe under *vikappana*, in order to avoid an offence under *nissaggiya pācittiya* 1, and then wear it as one pleases! This practice goes completely against *pācittiya* 59 which states that a monk who makes use (*paribhuñjati*) of a cloth put under *vikappana* incurs a *pācittiya*. Even so, some monks today put a spare robe under *vikappana* and wear it.

Here, such practices as determining the robes that one wears as *parikkhāracola*, or putting a spare robe under *vikappana* and wearing it, are *not* recommended! It is pleasing to see a growing number of "monks of few desires" who recognize the original intention of the Buddha when he established this rule and who therefore determine their one *saṅghāṭi* for use as such, determine their one *uttarāsaṅga* for use as such, and who determine their one *antaravāsaka* for use as such. Should there be a real need to wear other cloth beyond the set of three robes, for example cold weather under garments in England or hats to keep off the sun in Australia or the '*angsa*' in Thailand, then they would determine these for use as *parikkhāracola* but they would keep these things to an absolute minimum.

NISSAGGIYA PĀCITTIYA 2

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, some monks went travelling for many days taking only their *antaravāsaka* and the *uttarāsaṅga* with them and leaving their third robe, the *saṅghāṭi*, in the care of the monks who stayed behind. These robes, left for a long time without proper attention, became covered with mildew and other moulds and so the resident monks hung them out in the sun. When Ānanda was walking through the monastery he saw these many robes which were soiled with mould being hung out in the sun and so he asked the monks how this had come to be. When Ven. Ānanda found out that these robes had been abandoned for many days while their owners were away travelling, he became upset and complained, "How can these monks leave their *saṅghātis* with another monk and go travelling for many days taking only their *antaravāsaka* and *uttarāsaṅga?*", and he told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the monks whether the report was true. Having been told that is was so, the Buddha admonished the monks responsible in their absence and then established a rule which prohibited a monk from being separated from any of his three robes at dawn.

Later on, a certain monk became ill and was invited to go to his relations so that they could nurse him. The monk declined to go, explaining to his fellow monks "Venerable Sirs, a rule has been established by the Buddha which prohibits a monk from being separated from any of his three robes at dawn. Now I am too ill to take all my three robes with me to my relations and so therefore I will not go". When the Buddha was told about this sick monk's plight, he amended the rule to allow the local Saṅgha to give special permission to a monk who is ill to be separated from any of his three robes at dawn.

Being separated from any of one's three robes at dawn without the Saṅgha's permission, except when the end of the rainy-season privileges or the Kaṭhina privileges still apply, is a nissaggiya pācittiya.

The Three Robes (*ticīvara*)

This rule only applies to the three pieces of cloth determined for use (*adhiṭṭhāna*) as the monk's *antaravāsaka*, *uttarāsaṅga* and *saṅghāṭi*, collectively called the 'three robes'. It does not refer to cloth determined for use as something else, such as *parikkhāracola* for example, or to 'extra-cloth' (*atireka-cīvara*), even when these are worn.

Dawn (*aruna*)

Though the Rule actually refers to separation from any of one's three robes 'for one night' (*eka-rattaṃ*), this is defined by the Vibhaṅga as meaning separation at the time of dawn (*aruna-uggamana*). The definition of the precise moment of dawn is a very difficult point of Vinaya and the subject is already quite controversial. Apparently there are thick treatises to be found in Burma just on this one subject of *aruna*. Consequently, what is stated here is not another definition of the moment of dawn, but a practical method to know that dawn has surely passed:

> A monk should not be separated from any of his three robes for the period of 30 minutes proceeding the moment when he can first distinguish the main lines on his hand, held out at arms length, in the first light of the day.

Again, the moment that he can see these lines is *not* the moment of dawn, but it is the moment when he may leave his robe knowing with certainty that dawn has passed. The justification for this method as well as further discussion on the subject of *aruna* may be found in an appendix at the end of this rule.

Separated from a Robe

The meaning of being separated from a robe may be understood in terms of 'allowable zones' surrounding the robe. The extent of the allowable zones depends on the following three factors:

1. Whether the location is enclosed (*parikkhitta*) or not enclosed. An enclosed location is one with a marked boundary such as a wall, a fence, a hedge or a ditch for example (VA 652).

2. Whether the location is 'of one kula' (*ekakulassa*) or 'of many *kula*' (*nānākulassa*). The key word here '*kula*' has different meanings for the different types of location. In most cases it has the same meaning as the English word 'family', but for locations grouped under *gāma*, such as cities and villages, '*kula*' has a different meaning; according to the *Samantapāsādikā* a city 'of one *kula*' means one governed by a single King, a city 'of many *kula*' means one governed by a council such as Vesālī or Kusinārā, a village 'of one *kula*' means one led by a single headman and a village 'of many kula' is one under many

headmen or none at all (VA 652). The factor 'of one *kula*', in effect, only applies to locations which are enclosed (*parikkhitta*).

The following table describes the 'allowable zones' (abbreviated to 'A.Z.' in the table) for the different locations given in the Vibhaṅga and explained in the Samantapāsādikā:

Location	**Enclosed and of One *Kula***	**Enclosed and of Many *Kula***	**Not Enclosed**
Cities, Towns, Villages and Hamlets *gāma*	The A.Z. is the whole *gāma* (1) in which the robe (2) is kept.	When the robe is in a house (3), see under 'Houses and Outhouses'. When the robe is in the *sabhā*(4), the A.Z. is the whole *sabhā* and by the town gate (5). When the robe is elsewhere, the A.Z. is the street (6) in which the robe is kept and the *sabhā* and by the town gate.	When the robe is in a house (3), see 'Houses and Outhouses'. When the robe is elsewhere, the A.Z. is within a *hatthapāsa* of the robe (7).
Houses and Outhouses (8). (*nivesana* and *uddosita*)	The A.Z. is the whole house (9) or outhouse where the robe is kept (and the *sabhā* (10) and by the town gate)	The A.Z. is the room in which the robe is kept and the entrance to the house or outhouse (11).	The A.Z. is the room in which the robe is kept (12).
Parks and Fields (13) (*ārāma*, *khetta*)	The A.Z. is the whole park or field where the robe is kept.	The A.Z. is by the entrance to that park or field where the robe is kept and within a *hatthapāsa* of the robe (14).	The A.Z. is within a *hatthapāsa* of the robe.

Vihāra	The A.Z. is the whole *vihāra* in which the robe is kept (15).	
	Of One *Kula*	**Of Many *Kula***
Enclosed Buildings (16) (*atta*, *māla*, *pāsāda* and *hammiya*	The A.Z is the whole building where the robe is kept.	The A.Z. is the room in which the robe is kept and by the entrance to the building.
Boats (*nāvā*) (17)	The A.Z, is anywhere on board the boat where the robe is kept.	The A.Z. is the cabin in which the robe is kept (18).
Caravans (*sattha*)	The A.Z. is within 7 *abbhantara* (19) in front and behind of the robe and 1 *abbhantara* to either side (20).	The A.Z. is within a *hatthapāsa* of the robe.
At the foot of a tree. (*rukkhamūla*)	When the robe is within the area under the shade of the tree at noon, then the A.Z. is that same area under shade at noon. When the robe is elsewhere, the A.Z. is within a *hatthapāsa* of the robe (21).	The A.Z. is within a *hatthapāsa* of the robe (22).
arañña (23)	The A.Z. is within 7 *abbhantara* (19) of the robe in any direction.	The A.Z. is within 7 *abbhantara* of the robe in any direction.

Explanatory Notes to the Above Table

1. The allowable zones in the table which are 'the whole *gāma*', 'the whole house or outhouse', 'the whole building', 'the (whole) *sabhā*', 'the whole *vihāra*', 'the whole room' 'the cabin', 'the street' and 'the whole park or field'

also include a surrounding area one *hatthapāsa* wide. For example, if the robe is left anywhere within the walled city ruled by a King, i.e. it is kept in a *gāma* which is enclosed and of one *kula*, when the monk is outside of the walls but within a *hatthapāsa* of those walls then he is still within the allowable zone surrounding his robe.

2. In all the examples, the Vibhaṅga refers to just one robe being left somewhere. This is because the monk was assumed to be wearing his other two robes. To wear only one robe, or no robes, was not considered suitable in public.

3. When the robe is kept within a house in a *gāma*; when the *gāma* is enclosed and of one *kula* then the allowable zone is the whole *gāma*, but when the *gāma* is enclosed and of many *kula*, (VA 652) and therefore one must look for the allowable zone under 'Houses and Outhouses'. Similarly, if the robe is in a *pāsāda*, or in a park, within a *gāma* other than one which is enclosed and of one *kula*, then one looks for the allowable zone under 'Enclosed Buildings', or under 'Parks and Fields'.

4. The *sabhā* was a community hall used for assemblies and also as a public rest house. It seems that monks and other visitors would often rest there during the night when staying temporarily in a *gāma* (e.g. VA 732).

5. 'By the town gate' (*gāmassa dvāramūle*) is explained by the Samantapāsādikā to refer to another community building, similar to a *sabhā*, located next to the gate of a town or city. Here too monks would often spend the night when staying in a *gāma* (VA 652).

6. The Vibhaṅga also gives the example here of the monk leaving his robe 'on the way to the *sabhā*'. The Samantapāsādikā explains this as leaving the robe in a shop or a stall by the side of a street. In such a case, the allowable zone becomes the whole street as well as the *sabhā* and 'by the town gate' (VA 652).

7. In the case of the *gāma* not being enclosed, the Vibhaṅga only gives the allowable zone for when the robe is kept in a house. When the robe is kept within a *pāsāda*, say, or in a park, within such a *gāma* then the allowable zone is found by looking under 'Enclosed Buildings' or 'Parks and Fields' in the table. However when the robe is elsewhere, such as in a street of such a *gāma*, then one can assume that the allowable zone is just the area within one *hatthapāsa* of the robe. The Samantapāsādikā here defines the distance 'one *hatthapāsa*' as being equal to 2.5 cubits, about 1.25 metres (VA 652).

8. This class of location would include anything which falls into the category of 'building plus connected land', such as a house with front and back gardens, a villa with an inner courtyard or a stable with a forecourt. When there is just the building, it would come under 'Enclosed Buildings' in the table. An *uddosita*, according to the Samantapāsādikā, was an outhouse for storing such things as the family chariot for example (VA 654). Thus it would include such places as a garage, a stable or storage shed.

9. When the robe is in the house and the monk is in the garden of the house, then he is still within the allowable zone surrounding his robe when there is a wall or hedge, say, enclosing both garden and house and it is of one family (*kula*).

10. The Vibhaṅga here gives the allowable zone only as the whole house (or outhouse). However, when the house is within a *gāma* which is enclosed but of many *kula* then the Vibhaṅga states earlier that the allowable zone also includes the *sabhā* and 'by the town gate'.

11. The Samantapāsādikā explains that the part of the allowable zone called the 'entrance' extends to one *hatthapāsa* all around that entrance (VA 654). For example, when a fence encloses both a house and its garden, the house is divided up into flats and is therefore of many *kula*, and the robe is in the house, then the allowable zone is the room in which the robe is kept and within arms reach (the literal meaning of *hatthapāsa*) of the gate into the front garden. Presumably, the entrance into the property is included in the allowable zone because there the monk can find out about his robe as the residents come and go.

12. A 'building plus connected land' has many ways into and out of the property and therefore 'by the entrance to the property' is not included in the allowable zone here. However, the building itself will come under the location called 'Enclosed Buildings' and so when the building where the robe is kept is of one *kula* then the allowable zone is the whole building where the robe is kept, and when the building is of many *kula* then the allowable zone is the room in which the robe is kept and 'by the entrance to the building'.

13. This location also includes the place where the threshing is done (*dhañña-karaṇa*). In general it refers to any cultivated outdoor area and would include such places as the garden of a house which is enclosed but of many *kula* or which is not enclosed, a sports field and a public park. If the 'Park or Field' has a building in it, then when the robe is kept outside of the building the allowable zone is found under 'Parks or Fields', but when the robe is kept within the one building then the allowable zone is found by looking under one of the other locations.

14. It is interesting to note that the allowable zone here is not just anywhere in the 'Park or Field' but only within a *hatthapāsa* of the entrance to the field. When the 'Park or Field' has many entrances, then the allowable zone only includes the area around the entrance which is nearest the robe (VA 653).

15. The usual meaning of *vihāra* in the Vinayapiṭaka is a monastic dwelling (Cullavagga 6.1.2.) which is larger than a *kuṭi* (*saṅghādisesas* 6 and 7) and the residence of one monk (e.g. in the Origin Story of *saṅghādisesa* 2 and 3) or of many monks (e.g. the Origin Story to *pācittiya* 17). It is never used in the Tipiṭaka to refer to a dwelling where laypeople live. Later on, *vihāra* came to mean the whole monastery, buildings and grounds, but this later meaning is highly unlikely here. A *vihāra* could belong to an individual monk or to the Saṅgha (*pācittiya* 14.2.2) or to one or more lay people, thus it could be 'of

many *kula*'. However, it is noteworthy that *vihāra* is treated differently from all other types of buildings in that the factors of being of one *kula* or many *kula*, enclosed or not, do not effect the allowable zone which is, in all cases, the whole *vihāra* (The Vibhaṅga does state that for a *vihāra* which is of many *kula* and enclosed, the allowable zone is the *vihāra* and 'by the entrance', but as the entrance is within the *vihāra* the allowable zone is still just 'the whole *vihāra*).

16. *Aṭṭa* was a tower like building used for military purposes (VA 654) and *māla*, *pāsāda* and *hammiya* were other large residential buildings. Their precise description is unnecessary to go into here. All that is relevant to this rule is that these were examples of residential buildings which had the common feature that they were all naturally enclosed by their own walls, and so the factor of enclosed or not enclosed is not mentioned by the Vibhaṅga for this location. 'Enclosed Buildings', therefore, is the category of location which includes all buildings, other than a *vihāra*, which are considered apart from any adjoining garden or other land.

17. A train, a bus or an aeroplane would seem to fit into the category 'Boats' rather than 'caravans' because a passenger may no more travel along 'a few *abbhantaras* in front or to the side' of these vehicles than he could in a boat! Unfortunately, neither the Vibhaṅga nor the Samantapāsādikā explain the meaning of being 'of one *kula*' or 'of many *kula*' in the case of 'Boats' or 'Caravans'. One may infer, though, that if the vehicle has one leader, one captain or one caravan head, then it is 'of one *kula*', otherwise it is 'of many *kula*' (e.g. the two caravan leaders in the 'parable of the caravan', Dīgha Nikāya 23.23).

18. When the robe is on deck one can assume that the allowable zone is just the area within a *hatthapāsa* of the robe.

19. One *abbhantara* is equal to 28 cubits, that is about 14 metres (VA 654).

20. 'In front and behind' means in the direction that the caravan is going, 'to either side' means at right angles to this direction.

21. According to the Samantapāsādikā, when the robe is in a spot under the tree where the sun at noon would still shine upon it through a gap in the foliage, then the allowable zone is just the area within *hatthapāsa* of the robe (VA 655). This judgement seems to see only the details of the Vibhaṅga's definition while being blind to the Vibhaṅga's obvious intent. Anywhere under the tree would be close enough to the robe to be able to look after it and therefore the allowable zone would be the area under the shade of the tree at noon together with any sunny holes in that shaded area.

22. Perhaps when the tree straddles the boundary between two people's property it is 'of many *kula*'.

23. Here, an *arañña* is defined as a place without human settlements (*agāmaka*). It seems appropriate to take this as meaning a place more than one kilometre from the nearest village (*nissaggiya pācittiya* 29.2).

The table of 'allowable zones' together with these Explanatory Notes should provide a sufficient guide to work out the allowable zone for any situation. Perhaps the most pertinent situation would be when the robe is within a monastery, but there are one or two more points to be made yet before discussing the allowable zones for a robe within a monastery.

The Offence of *Nissaggiya Pācittiya*

Should a monk be separated from any one of his three robes at dawn, that is he is outside of the allowable zone surrounding that robe at dawn, without the Saṅgha's Permission, except when the end of the rainy-season privileges or the Kaṭhina privileges still apply, then he incurs a *nissaggiya pācittiya* under this rule. He is then prohibited from using that robe until after the offence has been resolved; should he use a robe which is to be forfeited then he incurs a *dukkata*. Even when he doesn't realize that he has been separated from one of his three robes at dawn, for example he misunderstands the allowable zone, he then incurs a *nissaggiya pācittiya* just the same. He has to forfeit the robe to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The forfeited robe should then be given back to the offending monk, not to return it being a *dukkata*. The returned robe is now 'extra cloth' (*atireka-cīvara*) received that day and so he should 'determine it for use', store it under *vikappana* or give it away, within ten days or he will incur another *nissaggiya pācittiya*, this time under *nissaggiya pācittiya* 1.

Again, this rule only applies to the three pieces of cloth determined for use as a monk's *antaravāsaka*, *uttarāsaṅga* and *saṅghāṭi*. Therefore, there is no offence under this rule if, before dawn, the robe is relinquished from use as one of the three robes (*paccuddharaṇa*), given away, taken away 'on trust' stolen, lost, destroyed or otherwise made no longer the possession of that monk.

The Exemptions

As in the previous *nissaggiya pācittiya*, when a monk has 'end of the rainy-season privileges' or 'Kaṭhina privileges' then he cannot incur an offence under this rule. The content of these two sets of privileges and the period when they apply is explained under *nissaggiya pācittiya* 1 above.

There is a further exemption made in this rule for a monk who has been granted the 'Saṅgha's Permission' to be separated from any of his robes at dawn. The Saṅgha's Permission is given to a sick monk by a formal resolution of the local Saṅgha (a Saṅghakamma) consisting of a motion and one announcement. The procedure is described at *nissaggiya pācittiya* 2.2. A monk who has been granted the Saṅgha's Permission is exempt from the penalties of this rule, as well as those of *nissaggiya pācittiya* 29, from the moment that he is granted the Saṅgha's Permission until he recovers from that sickness. When he recovers from the sickness and he can be with

his robes again then the *Saṅgha*'s Permission automatically expires, no further Saṅghakamma being needed (VA 651).

Every monastic community would have a monastic boundary, called a *sīmā*, which defined the limits of that community. The monks within the *sīmā* comprise the 'local Saṅgha'. When a sīmā is formally established by a Saṅghakamma it is known as a *baddha-sīmā*. The Buddha stated that every *baddha-sīmā* should also be established, by a further Saṅghakamma, as a '*ticīvarena avippavāsā sīmā*', that is an area in which a monk is not counted as being separated from his three robes. This means that, irrespective of any other allowable zones, when the monk's robe is somewhere within the formally established monastic boundary (*baddha-sīmā*), which would also have been made a *ticīvarena avippavāsā sīmā*, then the monk may be anywhere else within this monastic boundary at dawn and he is not counted as being separated from that robe at dawn (Mahāvagga 2.12.1-5).

The Practice of *Nissaggiya Pācittiya* Within a Monastery

In the time of the Buddha, a *baddha-sīmā* would at the very least cover the whole area of a monastery and sometimes it would extend to include several monasteries. For example, the *baddha-sīmā* established by Ven. Sāriputta around Rājagaha included 18 monasteries (18 Mahāvihāra, VA1048). All the monks within this one large sīmā were one community and so they would meet regularly for business meetings of the Saṅgha such as the fortnightly recitation of the Pāṭimokkha for example. Such a large *sīmā* could be up to 48 Km. wide (3 *yojana*, Mahāvagga 2.7 and VA 1046). Therefore, a monk staying in a monastery in the time of the Buddha would almost certainly have been within a *ticīvarena avippavāsā sīmā* and so he was able to leave his robe anywhere in the monastery and be somewhere else in that monastery without being counted as separated from his robe.

Some years later, it became common to establish very small *sīmā*. These *sīmā* would often extend only just beyond the Uposatha Hall and so the monks living in the residential part of such a monastery would not be within a *ticīvarena avippavāsā sīmā*. However, it is still fairly easy to work out the allowable zone surrounding a robe left in such a monastery by referring to the Vibhaṅga's examples of allowable zones as presented in the table above.

When a monastery consists of one large building, a *vihāra* (n.b. the Samantapāsādikā describes the 18 monasteries in the large *sīmā* at Rājagaha as the 18 'Mahāvihāra', VA 1049), then whether the *vihāra* is of one *kula* or of many *kula*, whether it is enclosed or not, the allowable zone is always the whole *vihāra*.

When a monastery consists of several buildings and adjoining land, which is the case with most monasteries these days, then one must first decide whether the monastery is of one *kula* or of many *kula*. The Vibhaṅga's example of a village of one *kula* is explained by the Samantapāsādikā as meaning a village under one headman (VA 652). If a village under one headman is 'of one *kula's* then a monastery under a head monk, an abbot, would also be 'of one *kula*'. Fortunately, this conclusion has an historical precedent: the Korean pilgrim monk Prajñāvarman who visited the great

monastery and university at Nālandā in the 7th century A.D. described the chief monk there as being called the '*kula-pati*', 'head of the *kula*' (quoted in *Buddhist Monks and Monasteries of India* by S. Dutt, page 314). It is well known that the monastery at Nālandā then had many hundreds of monks but since there was only one 'head of the *kula*' at Nālandā it means that there was only one *kula* there. In other words, the venerable scholars of the most famous Buddhist University considered that their monastery was 'of one *kula*'!

Another argument reaching the same conclusion comes from considering the allowable zones in the case of a *vihāra*, as defined in the Vibhaṅga. Even when the *vihāra* is 'of many *kula*', i.e. it belongs to many people or to a group of people such as a Buddhist Society say, the allowable zone is just the same as if it were 'of one *kula*'. It seems that this is because, irrespective of who owns the *vihāra*, the residents, the monks, are all 'of one *kula*'.

Lastly, in the Tipiṭaka the Buddhist monks were called either 'bhikkhu' or else '*samaṇa sakyaputtiya*' (e.g. Saṃyutta Nikāya Vol. 4, p. 326). *Sakyaputtiya* literally means 'who were sons of the Sakyan (the Buddha)'. It is, perhaps, not surprising then that a community of *samaṇa sakyaputtiya*, who were 'sons of the Buddha', were considered as being 'of one *kula*'.

In conclusion, the above arguments can be said to prove that a monastery is always considered as being *ekakulassa*, 'of one *kula*'. Thus, when a monastery consists of several building and adjoining land, the allowable zones are as follows:

- When the monastery is enclosed, that is it has a definite boundary such as a wall, a fence, a ditch or a path, then the allowable zone is the whole monastery. For example, a monk may leave his robes in his *kuṭi* and enter the toilet somewhere else in that monastery at dawn without being counted as separated from his robes.

- When the monastery is not enclosed, but a section of the monastery is enclosed such as a fenced off area for monks engaged in meditation, then when the robe is anywhere inside the enclosed section, the allowable zone is that whole section.

- When the monastery is not enclosed and the robe is somewhere in a building which is not enclosed, by a wall or a path for example, then the allowable zone is the whole building. For example, when the robe is somewhere in an unenclosed meeting hall in an unenclosed forest monastery, then the allowable zone is the whole meeting hall.

- When the monastery is not enclosed and the robe is not within a building but it is left out in the open; then if it is in a forest monastery, being more than one kilometre from the nearest village, the allowable zone is 7 *abbhantara* (in total about 98 metres) all around the robe; but if it is not such a forest monastery and the robe is under a tree then the allowable zone

is the whole area vertically beneath the tree; otherwise the allowable zone is just the area within on *hatthapāsa* of the robe.

In all the above examples, when there are other monks or even laypeople within the location it does not alter the fact that anywhere within a monastery is always a place 'of one *kula*'.

(Someone might raise the objection: if all monasteries are 'of one *kula'* then what is the purpose of establishing a *ticīvarena avippavāsā sīmā*? The answer is to be found in the Origin Story which led up to the Buddha recommending the *ticīvarena avippavāsā sīmā* (Mahāvagga 2.12.4). The '*sīmā* of common Observance' around Rājagaha included 18 monasteries. When Ven. Mahākassapa was going from one of these monasteries, Andhakavinda, to the Bamboo Grove where the Buddha was staying, only 4 kilometres distant, for the fortnightly Uposatha Ceremony, he was almost carried away while crossing a river and all his robes got soaked. Because of this, the Buddha said that all *baddha-sīmā* should also be established as *ticīvarena avippavāsā sīmā*. So, recognizing that a *baddha-sīmā* would often include many monasteries, the purpose of the *ticīvarena avippavāsā sīmā* was to allow a monk to leave a robe in one monastery within that *sīmā*, such as when keeping the Uposatha, without being counted as separated from his robe.)

Looking After One's Robes

It is to be remembered that the purpose of this rule, as is obvious from the Origin Story, is to encourage every monk to look after all of his three robes. Even though the various exemptions of this rule, or maybe the extent of an allowable zone, might make it possible for a monk to remain separated from one or more of his robes for days at a time without incurring an offence, nevertheless he should not neglect his responsibility to take good care of the few requisites, in particular the three robes, that he has. For this same reason, there is a related rule which states that a monk who enters a village (or town or city) without all of his three robes, except on the appropriate occasion, incurs a *dukkata*; there are 5 'appropriate occasions': the monk is ill, it is raining or threatening to rain, he will be crossing a river or a lake in a boat or over an unsafe bridge, when the robe is kept in a safe place secured with a lock, and when he has Kaṭhina privileges (Mahāvagga 8.23). On this same theme, a bhikkhunī who does not wear her *saṅghāṭi* at least once in every five day period incurs a *pācittiya* (Nuns' *pācittiya* 24). Though this rule does not apply to a monk, it should still remind him that one of the most effective ways to look after one's three robes is to wear them all regularly!

NISSAGGIYA PĀCITTIYA 2
APPENDIX

***ARUṆUGGAMANA* – Dawn**

It is important that a monk knows the meaning of ‘dawn’ (*aruṇa-uggamana*). If a monk has committed a Saṅghādisesa then he has to inform another monk before ‘dawn’ or else he has to undergo *parivāsa*; a monk may not keep an ‘extra-cloth’ beyond tenth ‘dawn’ or else he incurs a *nissaggiya pācittiya*; if a monk is separated from any of his three robes at ‘dawn’ then he might transgress this second *nissaggiya pācittiya*; the ‘Five Tonics’ may be kept only until the seventh ‘dawn’; ‘Juice Drinks’ must be consumed before the first ‘dawn’; food may only be consumed in the period from ‘dawn’ until noon… and there are many other rules in which ‘dawn’ is a major factor. Unfortunately, it seems that the Vibhaṅga took for granted that every monk knew the meaning of *aruṇauggamana*, ‘dawn’, and so it is nowhere defined. Even the Samantapāsādikā contains no definition of the term, probably for the same reason. As a result, the precise meaning of ‘dawn’ is now somewhat controversial.

Aruṇuggamana is certainly not ‘sunrise’ as I.B. Horner translates. There is a passage to be found in many places in the Suttapiṭaka, e.g. at Saṃyutta Nikāya XLV.49, which states:

> “Just as, monks, *aruṇuggaṃ* is the forerunner, the fore sign of the sun’s arising, even so having a good friend is the forerunner, the fore sign of the arising of the seven limbs of enlightenment… ”

Aruṇa literally means ‘red’ or ‘ruddy’, *uggamana* means ‘going up’. According to a Vinaya Manual, the Khuddasikkhā by Ven. Dhammasiri, there are four stages occurring before sunrise: The first reddening of the sky in the East occurring 2 hours before sunrise; a subsequent whitening of the sky occurring half an hour later; a second reddening 48 minutes before sunrise; and a final whitening of the sky 24 minutes before sunrise. Most monks in Burma take the second reddening of the sky which occurs 48 minutes before sunrise to be *aruṇuggamana*.

I am told that in Sri Lanka this method has been used to calculate that *aruṇuggamana* is at the earliest 4.24 am, and at the latest 4.53 am. Therefore, for convenience throughout the year the monks in Sri Lanka take 5.00 am as the time when they may start eating rice gruel, knowing that *aruṇuggamana* has passed.

However, this method becomes unsatisfactory elsewhere. It would be absurd in countries such as England, Australia or the United States, where the difference in latitude would distort the time scale of reddenings and whitenings given with such exactness by the Khuddasikkhā, and where the winter sunrise may be many hours later than the summer sunrise. In these countries, the actual ‘reddenings and whitenings’ would depend heavily on meteorological condition, such as whether the Eastern sky was cloudy, rainy, misty or clear, so much so that it would become impossible to predict with any certainty when the second reddening would be. The sometimes there wouldn’t even be a second reddening!

In the Origin Story to *pācittiya* 65 the older monks tell the boyish ‘group of seventeen monks’:

> “Wait your reverences until it turns light (*ratti vibhāyati*), then you may eat rice gruel… ”

From this quote in the Vinayapiṭaka, one can say with certainty that when it has become light *aruṇuggamana* has passed and one may then begin eating, leave one's robes and so on. Thus we come to the traditional practice of the forest monasteries in Thailand where a monk recognizes that dawn, *aruṇuggamana*, has recently passed when it has become light enough to distinguish the main lines on the palm of his hand, held out at arms length, in the first light of the day. Such a monk would stay with his robes for at least 30 minutes before the moment that he can first see the lines on his hand in order to make sure that he was with his robes at the actual moment of 'dawn'. As was said at the beginning of the explanation of *nissaggiya pācittiya* 2 above, the moment when a monk can first see these lines is *not aruṇuggamana*, but it is the moment when he may leave his robes, or begin eating, knowing with certainty that *aruṇuggamana*, dawn, has passed.

This method has the overwhelming advantage that it is everywhere practical. Even a monk without an accurate clock, who possesses no almanac telling him the times of sunrise on the different days of the year, who lives beyond the tropics, is able to use this method with ease, in any weather, to know the moment of dawn and thereby keep within the rules of Vinaya to which, as a monk, he is bound.

NISSAGGIYA PĀCITTIYA 3

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery. At this time, a certain monk acquired some coth outside of the Robe-season. However, the cloth was not enough to make a robe and so the monk decided to try and make it bigger. Thinking that removing the creases might help, he sprinkled the cloth with water, trod upon it, and then pulled it across his back, repeatedly stretching and smoothing it this way and that. But he had no success. When the cloth dried out it returned to its original size and so he would start all over again.

When the Buddha was walking through the monastery he saw this monk engaged in pulling, stretching and smoothing his cloth and so he asked the reason for this. The monk explained that his cloth was not enough to make a robe and, although he expected to receive some more cloth soon, he was unable to wait until then because of *nissaggiya pācittiya* 1. On account of this, the Buddha made an exemption to *nissaggiya pācittiya* 1; when a monk acquires an 'out of season cloth' (*akāla-cīvara*) which is not enough to make a robe, but he expects to receive more cloth soon, then he may keep that 'out of season cloth' beyond ten days without incurring an offence under *nissaggiya pācittiya* 1.

When the monks heard that they could keep 'out of season cloth' beyond ten days, expecting to receive more cloth later, they kept many such cloths longer than a month, tying them up in bundles and hanging them from the bamboo clothes-line. When Ven. Ānanda saw these bundles of cloth hanging from the bamboo clothes-lines and found out what they were and how long they had been kept, he became upset and complained, "How can these monks receive an 'out of season cloth' and keep it as

such more than a month?" and he told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the monks responsible whether the report was true. Having been told that it was true, the Buddha admonished those monks and then he established the following rule:

> *When a monk has received an 'out of season cloth', which is not enough to make a robe but he expects to get more cloth later, then he may keep that 'out of season cloth' up to thirty days. Should he keep such an 'out of season cloth' beyond thirty days, except when the 'end of the rainy-season privileges' or the 'Kaṭhina privileges' still apply, he incurs a nissaggiya pācittiya.*

Out of Season Cloth (*akāla-cīvara*)

During the last month of the rainy-season, it was the tradition for faithful laypeople to offer cloth, or even ready-made robes, to the community of monks, or to the community of bhikkhunīs (see Nun's *nissaggiya pācittiya* 2), who had spent the Rains Retreat in their local monastery. Because this was the time of year that most cloth would be given, it became known as the 'Robe Season'. However, when a monk or bhikkhunī performs the Kaṭhina Ceremony then their Robe Season is extended up to a further four months. Thus, the Robe-Season begins on the dawn which ends Pavāraṇā Day, the final day of the Rains Retreat, and lasts until the dawn which ends the full moon day a month later for one who has not performed the Kaṭhina Ceremony, or until the 'Kaṭhina privileges' (see under *nissaggiya pācittiya* 1 above) cease to apply for one who has performed the Kaṭhina Ceremony. Cloth which is offered to a Saṅgha at a monastery at any time during the Robe-Season may only be shared among those who completed the (first) Rains Retreat in that monastery; it may not be given to visiting monks until the Robe Season is over (Mahāvagga 8.32). Should a visiting monk accept a share of that cloth then he incurs a *dukkata* (Mahāvagga 8.25.3).

Cloth which a monk receives outside of his Robe Season is called 'out of season cloth' (*akāla-cīvara*). Such cloth could come from a donor, or he may acquire it 'using his own property' such as by exchanging another requisite with a fellow monk for that cloth, or it may be picked up as a discarded rag (*paṃsukūla*), or it may come to him as his share of a gift made to the Saṅgha. Wherever the cloth comes from, when a monk receives it outside of his Robe-Season then it is called 'out of season cloth'. 'Out of season cloth', which is offered to a Saṅgha at a monastery, may be distributed among whatever monks and *sāmaṇeras* happen to be there at that time, whether resident or just visiting.

There is a second type of cloth which is also 'out of season cloth'; should it be the Robe Season and laypeople want to give cloth to a particular monk or to a particular group of monks, resident or visiting, then they may specifically designate that cloth as being for a certain monk, or for a certain group of monks, and then that cloth becomes 'out of season cloth'. Also, should it be the Robe Season and lay people want to give cloth to all the monks at the monastery including the visitors, then the donors may designate that cloth as 'out of season cloth' when they present it to the Saṅgha and it may then be distributed among all the monks present at the time including the visitors. Thus, this second type of 'out of season cloth' is cloth given in the Robe Season but

designated (*ādissa*) by the donors as 'out of season cloth' (Nuns' *nissaggiya pācittiya* 2 and VA 658).

The Time Limit for Keeping an 'Out of Season Cloth'

A cloth which is suitable for a monk's robe made up into a requisite or not, longer than 8 inches and wider than 4 inches, is an 'extra cloth', as defined in *nissaggiya pācittiya* 1, whenever it is received. Therefore an 'out of season cloth' is also an 'extra cloth'. When such a cloth is sufficient to make the robe or other requisite that the monk requires, then it should be made up and 'determined for use' within ten days. If he does not determine it for use, store it under *vikappana* or give it away, then on the tenth dawn he incurs a *nissaggiya pācittiya* for keeping an 'extra cloth' beyond ten days.

However, in the special circumstances that the 'out of season cloth' is not enough to make the requisite the monk requires *and* he expects to receive additional cloth later, then he is allowed to keep his 'out of season cloth' as 'extra cloth' for a longer period; he may keep it as 'extra cloth' either for 30 days counting from when he received it, or for 10 days counting from when he received sufficient additional cloth to complete the requisite he requires, whichever of these two time limits comes sooner. For example, he receives an 'out of season cloth' which is not enough to make the requisite he requires at 10 am on May 1st and he expects to receive more cloth later. Then:

If he receives sufficient additional cloth at noon on May 1st ,	then he may keep the first cloth as 'extra cloth' until the dawn of May 11th .
on May 2nd	until the dawn of May 12th
on May 7th	until the dawn of May 17th
on May 14th	until the dawn to May 24th
on May 19th	until the dawn of May 29th
on May 20th	until the dawn of May 30th
on May 21st	until the dawn of May 31st
on May 22nd	until the dawn of May 31st
on May 23rd	until the dawn of May 31st
on May 29th	until the dawn of May 31st
on May 30th	until the dawn of May 31st

When the monk receives the cloth that he was expecting but it is still not enough to make the requisite he requires, or it is incompatible with the first piece of cloth received, then if he still expects more cloth later he may continue keeping that first piece of cloth up to 30 days counting from when he received it. According to the Sub-Commentary, when the monk has already kept the 'out of season cloth' as an 'extra cloth' more than ten days and he abandons his expectation of getting more cloth, then he has to store his 'out of season cloth' under *vikappana* or give it away before the next dawn or else he incurs a *nissaggiya pācittiya.* Similarly, in the above example, if on the evening of May 30th, he still hasn't got enough compatible cloth to make the robe or other requisite that he requires, then he should make that cloth into a smaller requisite and determine it for use, store it under *vikappana* or give it away, before the dawn of May 31st or else he incurs a *nissaggiya pācittiya.*

It is to be remembered that these time limits for keeping cloth as 'extra cloth' only apply when three conditions are fulfilled:

1. The cloth is 'out of season cloth'.

2. The cloth is insufficient to make the requisite that the monk requires.

3. He expects to receive more cloth later.

The Offence of *Nissaggiya Pācittiya*

When a monk keeps an 'extra cloth' fulfilling the above three conditions beyond the time limit as explained above, then he incurs a *nissaggiya pācittiya* under this rule. He is then prohibited from using that cloth until after the offence has been resolved; should he use a cloth which is to be forfeited then he incurs a *dukkata*. Even when he doesn't realize that he has kept an 'out of season cloth' as an 'extra cloth' beyond the time limit, for example he miscounts the days, then he incurs a *nissaggiya pācittiya* just the same. He has to forfeit that cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The forfeited cloth should then be given back to the offending monk, not to return it being a *dukkata*. The returned cloth is now 'extra cloth' received that day and so he should 'determine it for use', store it under *vikappana* or give it away, within ten days or he will incur another *nissaggiya pācittiya*, this time under *nissaggiya pācittiya* 1. However, when he receives the forfeited cloth back, should the above three condition be fulfilled then he may keep that 'out of season cloth' up to another 30 days.

There is no offence under this rule when, before the time limit expires, the 'out of season cloth' is determined for use as a requisite, stored under *vikappana*, given away, taken away 'on trust', stolen, lost, destroyed or otherwise made no longer the possession of that monk.

The End of the Rainy Season Privileges and the Kaṭhina Privileges

The content of these two sets of privileges and the period when they apply is explained under *nissaggiya pācittiya* 1 above.

As in the previous two *nissaggiya pācittiya*, when a monk has 'end of the rainy season privileges' or 'Kaṭhina privileges' then he cannot incur an offence under this rule. To illustrate this, a number of examples will now be given and in each of these examples the following background is to be assumed: *Pavāraṇā* Day falls on October 31st therefore the 'end of the rainy-season privileges' begin on the dawn of November 1st; the monk performs the Kaṭhina Ceremony and keeps his 'Kaṭhina privileges' as long as possible and so they expire on the dawn of March 28th; the first piece of cloth the monk receives is insufficient to make the requisite he requires but he expects to receive more cloth later; and lastly, when he receives this second cloth it gives him enough material to make his requisite:

Example 1 He receives the first cloth at noon on October 1st, thus it is 'out of season cloth' given outside of the Robe Season, then if he keeps it throughout as 'extra cloth' on the dawn of October 31st, being the 30th dawn since he received that 'out of season cloth', he incurs a *nissaggiya pācittiya* under this rule.

Example 2 He receives the first cloth at noon on October 2nd, thus it is 'out of season cloth', and the 30th dawn since receiving that cloth falls on November 1st and coincides with the start of his 'end of the rainy-season privileges'. Therefore, should he not receive the expected cloth in October, he may keep the first cloth as 'extra cloth' until the end of his 'Kaṭhina privileges'.

Example 3 He receives the first cloth at noon on October 2nd, as in Example 2, and he receives the expected second cloth at noon on October 22nd. Then he must make up that requisite and determine it for use, or store it under *vikappana* or give it away, before dawn of October 31st or he incurs a *nissaggiya pācittiya* under this rule.

Example 4 He receives the first cloth at noon on October 2nd, as in Example 2, and he receives the expected second cloth at noon on October 22nd. Then the 10th dawn since receiving the second cloth which gives him enough to make his requisite falls on November 1st and coincides with the start of his 'end of rainy-season privileges'. Therefore he may keep both pieces of cloth as 'extra cloth' until the end of his 'Kaṭhina privileges' on the dawn of March 28th.

Example 5 He receives designated 'out of season cloth' at any time during his Robe Season before the dawn of February 27th then he may keep it as 'extra cloth' until the end of his 'Kaṭhina privileges' on the dawn of March 28th.

Example 6 He receives designated 'out of season cloth' at noon on February 27th, then if he does not receive the expected cloth, he may keep the first cloth as 'extra cloth' until the dawn of March 29th, being the 30th dawn since receiving his 'out of season cloth' and one day after his 'Kaṭhina privileges' expire.

Example 7 He receives the first cloth at noon on March 1st, then if he receives the expected second cloth before the dawn of March 18th, he may keep both cloths as 'extra cloth' until his 'Kaṭhina privileges' expire on March 28th.

Example 8 He receives designated 'out of season cloth' at noon on March 1st and he receives the expected second cloth at noon on March 19th. Then he may keep both pieces of cloth as 'extra cloth' until the dawn of March 29th, being the 10th dawn since receiving the second cloth which gave him enough to make his requisite and one day after his 'Kaṭhina privileges' expire.

Example 9 He receives designated 'out of season cloth' at noon on March 1st and he receives the expected second cloth at noon on March 25th. Then he may keep the first cloth as 'extra cloth' until the dawn of March 31st, being the 30th dawn since he received the 'out of season cloth', and he may keep the second cloth as 'extra cloth' until the dawn of April 4th, being the 10th dawn since he received that second 'extra cloth'.

NISSAGGIYA PĀCITTIYA 4

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, the former wife of Ven. Udāyin was a bhikkhunī. She would often go to visit Ven. Udāyin and he would often go to see her. One day, Ven. Udāyin went to share a meal with her. When he arrived, he uncovered his genitals and left them exposed as he sat down. Seeing this, the bhikkhunī, his former wife also uncovered her genitals and sat down leaving them exposed. Then Ven. Udāyin, gazing at and thinking about his ex-wife's genital organ, emitted semen.

"Go fetch some water, Sister", said Ven. Udāyin, "I will wash my *antaravāsaka*".

"Give it to me, Master", she replied, "I will wash it", and taking that soiled robe she inserted the part wet with semen into her own genital organ. As a result she became pregnant.

After some time the bhikkhunī's condition became apparent to the other nuns and they questioned her about its cause. When they were told what had happened, the bhikkhunīs laid much of the blame on Ven. Udāyin, saying, "How can Ven. Udāyin have a used robe washed by a bhikkhunī!"

The matter was eventually reported to the Buddha who convened the local Saṅgha, admonished Ven. Udāyin, and then established a rule which prohibited a monk from having a used robe washed by a bhikkhunī.

Having a used robe washed, beaten or dyed by a bhikkhunī who is not a relation is an offence of nissaggiya pācittiya.

A used robe is any one of that monk's *ticīvara* which has been worn at least once by someone. When the robe belongs to another, the offence is a *dukkata*. If it is a sitting cloth, the offence is a *dukkata*. For all other cloths, including any one of the *ticīvara* not yet worn even once, there is no offence.

A bhikkhunī is a nun who has been given *upasampadā* in the midst of the bhikkhunī Saṅgha, as well as in the midst of the bhikkhu Saṅgha. When she has been given

upasampadā 'on one side', i.e. just in the bhikkhunī Saṅgha, then the offence is a *dukkata*. There is no offence in having a used robe washed, beaten or dyed by a *sikkhamānā*, *sāmaṇerī* or any other woman staying in the monastery (such as a 'Maa Chee' for example) even when they aren't relations.

The meaning of 'relation' in this rule is not clear. The Samantapāsādikā explains that it means any descendant of one's great-great-great-great-great grandparents! This seems rather unlikely. The Vibhaṅga merely explains 'related' as 'connected with one's parents through seven generations (literally, seven grandfather-couplings)'. This is the same phrase as used in the Tipiṭika to describe the purity of lineage of a Brahmin, 'pure back through seven generations'. It is certainly does not include a monk's former wife or his 'in-laws'. Perhaps one can recommend here that only those blood relations with whom ties of kinship are actually felt should be regarded as 'relations'.

When the unrelated bhikkhunī is made to perform just one of the tasks of washing, beating or dyeing then the monk incurs one *nissaggiya pācittiya*. When she is made to perform any two of the tasks, the offence is one *nissaggiya pācittiya* plus one *dukkata*. When she is made to do all three tasks, washing and beating and dyeing the used robe, then the monk incurs one *nissaggiya pācittiya* and two *dukkatas*. In each case, the monk has to forfeit the robe to a Saṅgha, to a group of monks or to one monk, and then confess the offence(s). The robe should then be returned to him, not to do so being a *dukkata*.

Having a used robe washed, beaten or dyed means asking or ordering her to do so. When she washes etc. the robe on her own initiative, then there is no offence.

NISSAGGIYA PĀCITTIYA 5

The Story

This incident occurred when the Buddha was residing at Rājagaha in the Bamboo Grove monastery, at the 'squirrels' feeding place'.

At this time, the bhikkhunī Uppalavaṇṇā, one of the two chief female disciples of the Buddha, was staying far away at Sāvatthī. One day, after completing her alms-round and meal in the city, Uppalavaṇṇā entered the Blind Men's Grove in order to spend the rest of the day in peaceful seclusion. (Now the Blind Men's Grove, the Andhavana, had such a name for the following reason. During the time of Kassapa Buddha, thieves waylaid an *anāgāmi upāsaka* in this forest. His name was Sorata and he had been touring Jambudīpa (India) collecting money for the Buddha's *cetiya*. They gouged out his eyes and killed him. Thereupon the robbers all lost their sight and wandered about the forest blind, hence the name of the forest. It had retained its name during two Buddha-periods.)

While Uppalavaṇṇā was meditating at the foot of a tree, a band of robbers entered the Blind Men's Grove carrying the meat from a cow they had just stolen and butchered. The chief of these robbers saw Uppalavaṇṇā meditating under a tree and, feeling good-will towards the nun and fearing for her safety, he led his men off in a different direction. The robber-chief then wrapped some of the best of the meat in a leaf packet and returned to where Uppalavaṇṇā was still meditating. He tied the packet to a branch of a nearby tree and said in a loud voice, "Whatever *samaṇa* or brahmin should see this gift, to them it is given", and then he left. Uppalavaṇṇā heard these words of the robber-chief just as she was coming out of her meditation so she took that meat and carried it back to the nunnery.

Early next morning, Uppalavaṇṇā prepared that meat, wrapped it in a bundle with her *saṅghāṭi* and, rising up into the air, flew to the Bamboo Grove near Rājagaha. Now Rājagaha is over 400 kilometres from Sāvatthī (as the crow flies) and when Uppalavaṇṇā reached the Bamboo Grove the Buddha had already left to go on alms round in Rājagaha. However, Ven. Udāyin had been left behind to look after the dwelling place and so Uppalavaṇṇā approached him and asked that he give the meat to the Buddha on his return.

Ven. Udāyin said to her, "The Buddha is pleased with the meat, Sister. Now if you would give me your *antaravāsaka* (the 'lower robe' covering the body from the waist to below the knees) then you would please me as well!"

"We women come by things with difficulty, Venerable Sir", said the nun, "and this is one of my five robes (the basic requirement for a bhikkhunī). I will not give it to you!"

"Sister, when a man gives a gift of an elephant he ties a presentation cloth around its middle. Similarly, Sister, having given a gift of meat, you should also give me your *antaravāsaka*."

Then Uppalavaṇṇā, coerced by Ven. Udāyin, took off her *antaravāsaka*, gave it to him and then returned to the nunnery.

On her return, other bhikkhunīs came to receive Uppalavaṇṇā's bowl and robe and seeing that she was half undressed asked what had happened to her *antaravāsaka*. When the bhikkhunīs were told what had happened, they were upset and complained saying, "How can Ven. Udāyin receive a robe from a bhikkhunī? Women come by things with difficulty".

The matter was eventually reported to the Buddha who convened the local Saṅgha, admonished Ven. Udāyin, and then established a rule which prohibited a monk from accepting a robe from a bhikkhunī.

Later on, scrupulous monks didn't even accept a robe in exchange from a bhikkhunī and the nuns complained. As a consequence, the Buddha amended this rule to permit a monk receiving a robe from a bhikkhunī when it is given in exchange for another article.

Accepting a cloth from a bhikkhunī who is not a relation, except in exchange, is an offence of nissaggiya pācittiya.

'Cloth' is any piece of material suitable for a robe, made up into a robe or not, which is greater than 4 inches by 8 inches in both dimensions (as in *nissaggiya pācittiya* 1). Accepting another type of requisite is no offence. A bhikkhunī is a nun who has been given *upasampadā* in the midst of the bhikkhunī Saṅgha as well as in the midst of the bhikkhu Saṅgha. When she has been given *upasampadā* 'on one side', i.e. just in the bhikkhunī Saṅgha, the offence for receiving a robe from her is a *dukkata.* When she is a *sikkhamānā*, *sāmaṇerī* or another woman staying in the monastery then there is no offence.

As explained in the previous rule the meaning of 'relation' is not clear. The Samantapāsādikā explains that it means any descendant of one's great-great-great-great-great grandparents. It certainly does not include a monk's former wife or his 'in-laws'. Perhaps one can recommend here that only those blood relations with whom ties of kinship are actually felt should be regarded as 'relations'.

When a monk receives a cloth from a bhikkhunī who is not a relation, he incurs a *nissaggiya pācittiya.* He has to forfeit the cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The cloth should then be returned to the offending monk, not to do so being a *dukkata.*

There is no offence when a monk receives a cloth from a bhikkhunī who is a relation, or from a female monastic who is not a bhikkhunī, or when he takes the cloth on *vissāsa* (see under *pārājika* 2) or he just borrows it for the time being, or when he receives the cloth in exchange for another article, big or small. The Buddha permitted exchange of requisites between '*sahadhammika*', i.e. with one's fellow monks, *sāmaṇeras*, bhikkhunīs, *sikkhamānās* and *sāmaṇerīs.*

NISSAGGIYA PĀCITTIYA 6

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, Ven. Upananda was good at giving Dhamma-talks. One day, the son of a wealthy merchant came to listen to Ven. Upananda expound the Dhamma and he was so inspired that he said to Ven. Upananda, "Please tell me, Ven. Sir, what I can give to you which will be of use, in particular, robes, alms food, lodgings or medicines for times of sickness".

"If you, Sir, wish to offer something, then give me one of those robes that you are wearing."

“Please wait, Ven. Sir, I will just go home and change first and then send one of these robes to you, or one better”.

But Ven. Upananda would not wait and asked the son of the wealthy merchant a second and a third time for one of the two robes that he was wearing.

“Please wait, Ven. Sir, I will just go home and change first and then send one of these robes to you, or one better. I am from a good family, Venerable Sir. What would people think if I went around half-naked?”

“Why Sir, do you bother to invite me to ask for a requisite, when really you don’t want to offer anything? You have made the invitation, now why don’t you give?”

Then the rich merchant’s son, being put on the spot by Ven. Upananda, gave him one of the two robes he was wearing and went away. When people saw the son of the rich merchant coming along improperly dressed, wearing only one cloth, they asked him the reason. When they were told of what had happened, they were upset and complained, “These *samaṇas*, the Buddhist monks, have great desires. They are not frugal. Among them it is not easy to make an invitation.”

When the monks heard the lay peoples’ complaint, they also became upset and complained, “How can Ven. Upananda ask the son of the wealthy merchant for a robe?”

The matter was eventually reported to the Buddha who convened the local Saṅgha, admonished Ven. Upananda, and then established a rule which prohibited a monk from accepting a robe having asked for it from a layperson who was not a relation.

Later on, several monks travelling on the road between Sāketa and Sāvatthī were attacked by thieves who stole their alms-bowls and all their robes. These monks, being too scrupulous to ask for a robe from a layperson because of the rule, continued on their journey naked. When they arrived at Sāvatthī they greeted the resident monks with respect. The resident monks said, “These naked ascetics (*ājīvaka*) are very good, they pay proper respect to us monks”.

“But we are not naked ascetics, Venerable Sirs, we are Buddhist monks too.”

The resident monks were unconvinced and they called in Ven. Upāli to question the new arrivals. When Ven. Upāli confirmed that they were indeed bhikkhus, some of the resident monks became upset and complained, “How can these monks come naked? Couldn’t they at least cover themselves up with grass or leaves?”

The matter was reported to the Buddha who then advised the monks:

“I allow, monks, one whose robe is stolen or destroyed to ask a layperson who is not a relation for a robe. At the first (unoccupied) residence he reaches, should he find there a cloth which belongs to the local Saṅgha such as a robe left in a lodging or a bed sheet or a ground sheet or even a pillow case, then he may take it and wear it for the time being, thinking to replace it later. If he can’t find any cloth then he should cover himself up with grass or leaves. But he should not go naked. Whoever should

go naked incurs a *dukkata*." (Furthermore a monk who goes naked as a regular practice incurs a *thullaccaya* – Mv. 8.29.1)

The Buddha then amended this rule to allow a monk whose robe was stolen or destroyed to ask for a robe from a layperson who is not a relation.

Accepting a cloth having asked for it from a layperson who is not a relation, except when one's robe has been stolen or destroyed, is a nissaggiya pācittiya.

'Cloth' is any piece of material suitable for a monk's robe, made up into a robe or not, which is greater in length than 8 inches and greater in width than 4 inches (as in *nissaggiya pācittiya* 5).

A 'layperson' is anyone living in a house. Thus, there in no offence in asking for and receiving, a cloth from one's fellow monastics with the exception of a bhikkhunī (*nissaggiya pācittiya* 5).

As explained in the previous two rules, the meaning of 'relation' is not clear. The Samantapāsādikā explains that it means any descendant of one's 128 great-great-great-great-great-great grandparents! This seems unlikely. It certainly does not include the monk's former wife or his 'in-laws'. Once again, it is recommended here that only those relations by blood with whom ties of kinship are actually felt should be regarded as 'relations'.

A robe which has been 'destroyed' is one burnt by fire, carried away by water, eaten by rats or termites, worn out by use or things similar. 'Stolen or destroyed', therefore, refers to the loss of a robe through any cause.

As was mentioned in the Origin Story above, when a monk has lost all his robes and he has not cloth to cover himself, then he should head for the nearest monastery. Should he meet a layperson on the way then he may ask for a robe or a piece of cloth. If he does not obtain a robe from a layperson on the way, then when he arrives at the first monastery he should ask the resident monks for a robe. If the monastery happens to be unoccupied, then he may take any piece of cloth belonging to that Saṅgha that he finds there, even if only a pillow case, and use that as a makeshift robe or covering, intending to replace it later. If he still can't find even a piece of cloth to cover himself, then as a last resort he should use grass or leaves. When he ignores this procedure and goes naked, not even covering himself with grass or leaves, then he incurs a *dukkata*.

When a monk asks for a cloth from a layperson who is not a relation, his robe not being stolen or destroyed, he incurs a *dukkata*. When he receives that cloth he incurs a *nissaggiya pācittiya*. He has to forfeit the cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The cloth should then be returned to the offending monk, not to do so being a *dukkata*.

There is no offence under this rule in the following situations:

- When a monk's robe is stolen, destroyed or otherwise lost (but see the following rule, *nissaggiya pācittiya* 7).

- When he asks from a fellow monastic, except a bhikkhunī.
- When he asks from a layperson who is his 'relation' (as explained in *nissaggiya pācittiya* 4).
- When he asks from a layperson who has previously invited him to ask for a robe, or robe material, whenever he might have a need (*pācittiya* 47).
- When he obtains the robe through his own property such as when he asks a layperson who is his steward to barter another requisite for a robe on his behalf (see *nissaggiya pācittiya* 20).
- When he asks for a robe for the sake of another, as in the Origin Story to the next rule, *nissaggiya pācittiya* 7.

Receiving requisites other than cloth, having asked from a layperson who is not a relation, is dealt with in other rules as follows:

- Alms bowls in *nissaggiya pācittiya* 22.
- Special food (*panīta-bhojana*) in *pācittiya* 39.
- Rice and curry in *sekhiya* 37.
- Tonics and other medicines in *pācittiya* 47.

NISSAGGIYA PĀCITTIYA 7

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, some of the group of the six monks went up to other monks whose robes had been stolen and said to them, "Venerable sirs, the Buddha has allowed those whose robes have been stolen or destroyed to ask for a robe from a layperson who is not a relation. Go, Venerable Sirs, and ask for robes".

"Never mind, Venerable Sirs, we have already received robe material."

"We are going to ask on behalf of the Venerable Ones."

"Then go ahead and ask."

So the group of the six monks approached laypeople who were not their relations and said, “Sirs, there are monks who have come whose robes have been stolen. Give us robes for the Venerable Ones”. In this manner, they were given many robes and much robe material.

Soon after, a certain layperson sitting in a meeting hall said to another man, “Such monks have come whose robes were stolen. I gave them robe material.”

The other man said, “I gave them robe material too”.

And a third man said, “So did I”.

Then these laypeople were annoyed and complained, “How can these *samaṇas*, the Buddhist monks, not knowing moderation, ask for so much robe material? Are they going to deal in the cloth trade or will they set up a shop?”

When the monks of few desires heard the laypeople’s criticism they also became upset and complained, “How can the group of the six monks, not knowing moderation, ask for so much cloth?” and they told the matter to the Buddha.

The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Being told that it was so, the Buddha then admonished these monks and then established a rule to put a limit on the amount of robe material a monk may receive, when his robes are lost and he asks for that cloth from a lay person who is not a relation.

When one’s robes are stolen or destroyed or otherwise lost, one may ask for robes or cloth from a layperson who is not a relation to this amount: When lacking all three of the ticīvara one may ask for an antaravāsaka and an uttarāsaṅga or cloth enough to make these robes; when lacking any two of the ticīvara one may ask for just one robe or cloth to make one up; but when lacking only one of the ticīvara one may not ask at all. Accepting cloth in excess of this, having asked from a layperson who is not a relation, is a nissaggiya pācittiya.

This rule only concerns a monk who has one or more robes stolen, destroyed or otherwise lost (as explained in the previous rule) and who asks for a robe or for cloth to make one up from a layperson who is not a relation (also as explained in the previous rule). Such a monk may ask that layperson for robes or cloth only this much:

- Lacking all three of the ‘*ticīvara*’ (the monk’s set of three robes) he may ask at most for an *antaravāsaka* and an *uttarāsaṅga*, or cloth to make these robes.

- Lacking two of the ‘*ticīvara*’ he may ask for just one of the *ticīvara*, or cloth enough to make one up. (Though it is not stated in the texts, one would expect a monk lacking an *antaravāsaka* to ask for that, otherwise to ask for an *uttarāsaṅga*.)

- Lacking only one of the ‘*ticīvara*’ he may not ask at all.

When a monk who has lost one or more of his robes asks, from a lay person who is not his relation, for robes or cloth in excess of this allowance, he incurs a *dukkata*. When he receives the robes or cloth he incurs a *nissaggiya pācittiya*. He has to forfeit the robes or cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robes or cloth should then be returned to the offending monk, not to do so being a *dukkata*.

When a monk who has lost one or more of his robes asks within this allowance but the layperson brings and offers to him more than the allowance, even saying, "This is all for you", then the monk may still only take the amount in the allowance, refusing the rest. Should he take more than the allowance then he incurs a *nissaggiya pācittiya* and the robes or the cloth have to be forfeited as described in the paragraph above. (This follows the meaning of the Rule's '*sādiyeyya*' as explained in the Vibhaṅga of *nissaggiya pācittiya* 18.) But when he takes an amount within the allowance and the layperson carries the rest away there is no offence. Or else, when he has taken an amount of robes or cloth within the allowance, should the layperson *then* offer the *remainder* to the monk, then the monk may receive it and he incurs no offence.

Again, this rule only concerns a monk some of whose robes have been lost and who asks from a layperson who is not a relation for replacement robes or cloth. Therefore, there is no offence in the following situations:

- When the layperson brings and offers robes or cloth for a reason other than because he was asked on account of that loss. For example, he offers robes to a monk, whose robes have been lost, just because he was inspired by that monk's Dhamma-talk.
- When the layperson is a relative (as explained in *nissaggiya pācittiya* 4).
- When fellow monastics, except for a bhikkhunī, give him the robes.
- When he asks from a layperson who has *previously* invited him to ask for robes, or for cloth, whenever he might have a need.
- When he obtains the robes through his own property, such as when having a steward barter another of his requisites in exchange for some robes (as in *nissaggiya pācittiya* 20).

Remembering the group of the six monks in the Origin Story of this rule, it is interesting to note that here there is no *anāpatti* (exemption from an offence) for the monk who asks for cloth on behalf of another whose robes are lost!

NISSAGGIYA PĀCITTIYA 8

The Story

This incident occurred when the Buddha was residing a Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time a monk on alms round overheard a certain man say to his wife, "I will give a robe to Ven. Upananda". When he returned from alms round he said to Ven. Upananda, "Venerable Sir, you have great merit. At a certain place I heard a man say that he will give a robe to you". Ven. Upananda replied that that man was a lay supporter of his.

Then Ven. Upananda went to that man's house and said to him, "I hear that you want to give me a robe".

"Indeed, Venerable Sir, I thought to do just that", replied the layman.

"Then get me a robe of such and such a sort, for what is the point of giving me a robe that I will not use."

Then that layman became annoyed and complained, "These *samaṇas*, the Buddhist monks, have great desires. They are not frugal. It is no easy matter to give them a robe. How can the Ven. Upananda, without being asked, tell me what sort of robe I am to give to him?"

When the monks of few desires heard that layperson's criticism they also became upset and complained, "How can Ven. Upananda, without being asked, tell the layperson the sort of robe he should give?' and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked Ven. Upananda whether the report was true. Being told that it was so, the Buddha admonished Ven. Upananda and the established the following rule:

When a monk hears that a layperson, who is not a relation, intends to give him a robe (or robe material) and, without being asked, he tells that layperson the sort of robe he should give, desiring to get a quality robe, then on receiving that robe he incurs a nissaggiya pācittiya.

When a monk has reason to believe that a certain layperson, who is not his relation, intends to offer a robe to him, or material for a robe, and he goes to that layperson and describes the sort of robe that he wants, desiring something expensive or fine, not having been invited by the donor to say what he wants, then for this he incurs a *dukkata*.

Should the layperson pay no heed to the monk's request and presents the monk with the ordinary robe that he had intended to give from the beginning, then there is no further offence for that monk. But when the monk's unsolicited request produces the fine robe that he desired then, on receiving that robe, he incurs a *nissaggiya pācittiya*. He has to forfeit the robe (or robe material) to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robe should then be returned to the offending monk, not to do so being a *dukkata*.

There is no offence under this rule in the following situation:

- When the robe, or robe material, is to be offered by a fellow monastic, except a bhikkhunī.

- When the robe, or robe material, is to be offered by a layperson who is a 'relation' (as in *nissaggiya pācittiya* 4).

- When the robe, or robe material, is to be offered by someone else.

- When the layperson invites the monk beforehand to describe the sort of robe, or robe material, that he would like to have.

- When the robe, or robe material is to come from the monk's own property. For example, the monk instructs a layperson who is to obtain the robe by bartering some of the monk's requisites on behalf of the monk (as in *nissaggiya pācittiya* 20).

- When, having reason to believe that the layperson will get an expensive robe to offer, the monk tells him, without being asked, to get an inexpensive, ordinary robe and offer that instead.

It is an important practice for a monk to be quietly content with whatever requisites come to him. This rule, and the one that follows, encourage monks not to be fussy about the quality of their robes, especially when those robes are to be offered by laypeople whose faith can easily be shaken.

NISSAGGIYA PĀCITTIYA 9

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍikas's monastery.

At this time a monk on alms round overheard this conversation between two laymen:

"I will give a robe to Ven. Upananda."

"I also will give a robe to Ven. Upananda".

When he returned from alms round he said to Ven. Upananda, "Venerable Sir, you have great merit. At a certain place I heard two men say that they will each give a robe to you". Ven. Upananda replied that those two men were lay supporters of his.

Then Ven. Upananda went to those two laymen and said, "I hear that you each want to give a robe to me".

“Indeed, Venerable Sir, we both thought to do just that”, they replied.

“Then together you get me just one robe of such and such a sort, for what is the point of giving me several robes that I will not use?”

Then those two laymen became annoyed and complained, “These *samaṇas*, the Buddhist monks, have great desires. They are not frugal. It is no easy matter to give them a robe. How can this Ven. Upananda, without being asked by us, tell us the sort of robe we should give to him?”

When the monks of few desires heard the two laymen’s criticism they also became upset and complained, “How can Ven. Upananda, without being asked, tell those laymen the sort of robe they should give?” and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked Ven. Upananda whether the report was true. Being told that it was so, the Buddha admonished Ven. Upananda and then established the following rule:

When a monk hears that two laypeople, neither of whom is a relation of his, each intend to give him a robe (or robe material) and, without being asked, he tells them to pool their resources and give just one robe describing the sort of robe they should give, desiring to get a quality robe, then on receiving that robe he incurs a nissaggiya pācittiya.

When a monk has reason to believe that two laypeople, neither of whom is a relation of his, each intend to give him a robe, or robe material, and he goes to those laypeople and tells them to join together and get just one robe, describing the sort of robe they should get, desiring something expensive or fine, without having been invited by the donors to say what he wants, then for this he incurs a *dukkata*.

Should the two laypeople disregard the monk’s request and separately give the two ordinary robes that they had intended to give from the start, then there is no further offence for that monk. But when the monk’s unsolicited request produces the one fine robe that he desired then, on receiving that robe, he incurs a *nissaggiya pācittiya*. He has to forfeit that robe, or robe material, to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robe should then be returned to the offending monk, not to do so being a *dukkata*.

When there are more than two laypeople and the monk tells them to pool their resources etc., then the monk incurs offences the same as for two lay people.

There is no offence under this rule in the following situations:

- When two fellow monastics (not including a bhikkhunī) each intend to give a robe and he asks them to join together.
- When the laypeople who intend to give robes separately are both relations of his and he asks them to pool their resources.
- When the robes are to be offered to someone else.

- When the laypeople invite him beforehand to tell them what he wants.
- When the robes are to come from the monk's own property. For example, two lay stewards are separately bartering some of his requisites for two separate robes and he tells them to join together (*nissaggiya pācittiya* 20).
- When, hearing that two laypeople are to buy separate, expensive robes to give to him, he tells them, without being asked, to save their funds and join together to buy just one inexpensive robe to give instead. In other words when the motive of the monk is other than greed for a good quality robe then there is no offence.

NISSAGGIYA PĀCITTIYA 10

The Story

This incident occurred when the Buddha was residing at Sāvatthī in the Jeta Grove, in Anāthapiṇḍika's monastery.

At this time a certain chief minister of the Sakyans deposited some money with a steward, a lay follower of the monastery, in order that he may supply Ven. Upananda with a robe when that monk next required one. Then one day Ven. Upananda approached that lay follower and said, "Sir, I want the robe".

"Venerable Sir," the lay follower politely replied, "wait this day only. Today there is a meeting which I must attend and the meeting carries an agreement that whoever comes late has to pay a fine of 50 *kahāpanas*!"

"Sir, give me the robe this very day!" demanded Ven. Upananda and he took hold of that lay follower's waistband menacingly.

So that lay follower, being harassed by Ven. Upananda, went and got a robe for the monk right away. When he arrived at the meeting he was extremely late and so he was fined 50 *kahāpanas*. Angry and upset, the lay follower explained to the others at the meeting why he had come so late. Then these lay people were also angry and upset complaining, "These Buddhist monks have great desires, they are not easily satisfied and it is no simple thing to do them a service! How can they, when asked by a lay follower to wait just one day, be so impatient?"

When the monks of few desires heard the laypeople's criticism they also complained, "How can this Ven. Upananda, when asked by a lay follower to wait just one day for the robe be so impatient?!" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked Ven. Upananda if the report was true. Having been told that it was true, the Buddha admonished Ven. Upananda and then established the following rule:

When a lay-steward has been entrusted with a fund to be used for a monk's benefit, receiving a requisite from that lay steward through excessive prompting is a nissaggiya pācittiya.

The *Meṇḍaka* Allowance

In the *Vinayapiñaka's* Mahāvagga (6.34.21), in what became known as 'The *Meṇḍaka* Allowance', the Buddha permitted money to be entrusted by a donor to a steward, who may be a monastery attendant or a lay follower, for the personal benefit of an individual monk:

> 'There are, monks, people of faith and confidence in the Saṅgha who entrust money into the hands of lay-stewards saying, "With this provide the monk so-and-so with what is allowable". I permit you, monks, to accept any allowable item obtained thereby. But this, monks, I do not say, that in any circumstances may gold or money be accepted by a monk, or be looked about for by a monk".

Even though the 10th *nissaggiya pācittiya* only mentions such a Fund established to supply robes, it is clear from the wording of *Meṇḍaka* Allowance that such a Fund may be established to supply any allowable item. Indeed this 10th *nissaggiya pācittiya* defines the correct procedure for making use of the *Meṇḍaka* Allowance, that is, it explains the way a monk should practise with regard to the establishment and use of *Meṇḍaka* Allowance funds.

A. The Correct Response Should Money Be offered To A Monk

When a donor offers money to a monk then the monk should refuse to accept it. According to *nissaggiya pācittiya* 18 a monk incurs a *nissaggiya pācittiya* for accepting money as his own property in any one of three ways:

1. When a monk receives the money directly for his own use – for example he takes it in his hand, or he takes the envelope in which it is enclosed, or he receives it in his alms bowl – then he incurs a *nissaggiya pācittiya* for 'Receiving Gold or Money'.

2. When a monk has someone else receive and hold the money for him – for example he tells the donor, "Give the money to my steward for me" or "Place it over there for me" or "Deposit it in my bank account", or he tells the lay steward, "Go and receive that money from the donor for me" or "Go take that money and put it in my bank account" – then he incurs a *nissaggiya pācittiya* for 'Having Gold or Money Received'.

3. When a monk agrees to be the owner of money given indirectly – for example a donor places money nearby to a monk and says, "This is for you", or the donor tells the monk, "In such a place is money of mine, I give it to you", or the donor deposits money with a lay steward and then tells the monk, "That money is yours", and in each of these cases the monk does not reject

possession of the money by any one of the 'three doors' (body, speech or mind – see under *nissaggiya pācittiya* 18 below) – then he incurs a *nissaggiya pācittiya* for 'Agreeing to be the Owner of Gold or Money Given Indirectly'.

When refusing the money the monk may say "Monks don't accept ownership of money, they only accept those requisites which are allowable at the appropriate time", or something similar. The monk may even explain to the donor what some of those requisites are. However he may not say to the donor, "Using that money, go and buy this for me" or "Get me that" or any such similar statement which amounts to a 'command'. Should a monk make such a command and receive a requisite thereby, then according to the Samantapāsādikā (VA 698) this is a case of 'Wrong Procedure' (*dubbicāritattā*) and the monk who ordered the requisite may not use it though other monks may.

The monk may do more than just making a refusal by explaining to the donor how his gift may be kept as a Fund entrusted to a competent lay steward to provide requisites for the monk at some future time, and the monk may even point out such a steward. But this brings us on to how such a Fund may be set up according to Vinaya, how it becomes 'Properly Deposited'.

B. How a Personal Fund Becomes Properly Deposited

A 'Personal Fund' becomes properly deposited in any one of the following three ways:

1. When the donor asks the monk "What should I do with my donation?" or "Is there an appropriate place where I may leave this gift of money?" or "Has the Venerable One a lay steward?" or some similar question, then the monk may explain to the donor the *Meṇḍaka* Allowance and how the donor's money may be kept as a Personal Fund entrusted to a competent lay steward to provide the monk with suitable requisites at some later time. The monk may even point out to the donor a suitable lay steward, or indicate a place where the money may be left for the lay steward, as long as the monk's words are merely suggestions or hints which fall short of a 'command' to the donor to set up the Fund. Should the donor then set up the Fund by leaving his money with the lay steward, or in the indicated place, then that Personal Fund has become 'Properly Deposited'.

2. Without being asked by the donor, the monk takes the initiative and explains to the donor the *Meṇḍaka* Allowance and then says "He is my steward" or "Donors usually entrust their money with that lay follower" or "Over there is the usual place for leaving your money", only speaking suggestions or hints which fall short of a 'command' to the donor to establish the Fund. Should the donor then establish the Fund by entrusting his money with a lay steward, or by leaving it in the appropriate place, then that Personal Fund has become 'Properly Deposited'. (The Vibhaṅga, though, implies that it would be preferable if the monk did not take the initiative in such a way but waited for the donor to ask questions about his gift first.)

3. The donor knowing the correct procedure leaves his money with the lay steward, or in the appropriate place, not requiring any advice from the monk. This Personal Fund too has become ‘Properly Deposited’.

In each of these three ways there can be no offence under *nissaggiya pācittiya* 18 for a monk who agrees to the establishment of such a Fund, that is when he does not reject the money by any one of the ‘three doors’ (body, speech or mind). This is because the Fund so established is not the property of that monk, but belongs to the original donor until it is used to supply requisites to that monk as the donor intended. A monk is obliged by the Vinaya to reject the deposit of money only when it is done in a way that would make it his personal possession.

A Personal Fund becomes ‘Improperly Deposited’ when a monk accepts the money in any of the ways which result in an offence under *nissaggiya pācittiya* 18. For example:

a) The monk receives the money as his own property and then gives it to the lay steward.

b) The monk has the money received as his own property by telling the donor to give it to the lay steward, or by telling the donor to leave the money in an appropriate place, or by telling the lay steward to receive the money from the donor or from the place it is left.

c) The donor, when informing the monk that money has been deposited with the lay steward, tells the monk to regard the money as his own, but the monk fails to reject ownership of that money by any of the ‘three doors’ (body, speech or mind).

In each of these three examples, and ones similar, the Fund has been ‘Improperly Deposited’ and may not be made use of by that monk but instead has to be forfeited to the Saṅgha with the monk confessing an offence of *nissaggiya pācittiya.*

A Personal Fund also becomes ‘Improperly Deposited’ when a monk accepts the money ‘for the sake of another’ in any of the ways which result in a *pācittiya* under *pācittiya* 84. For example:

d) The monk receives the money himself, never regarding it as his own but as the property of the original donor, and then he hands it to the lay steward to be held as his Personal Fund.

e) The monk tells the donor to give his money to the lay steward or leave it in an appropriate place, or he tells the lay steward to receive the donor’s money as his own but as the property of the original donor, giving these instructions in order to establish his Personal Fund.

f) The monk receives the money himself, or he has it received, in order to set up a Personal Fund for another monk, not regarding the

money as his own, nor even as the donor's, but as the property of the other monk.

In each of these three examples, and ones similar, the Fund has been 'Improperly Deposited' and may not be made use of by the beneficiary. Moreover, the monk who received the money or had it received incurs an offence of *pācittiya* under *pācittiya* 84 for 'accepting gold or money for the sake of another' (see explanation under *nissaggiya pācittiya* 18 below).

Should a monk obtain a requisite from an 'Improperly Deposited' Personal Fund, then according to the Samantapāsādikā (VA 698) that requisite may not be used by any monk at all but will have to be thrown away or given away to a layperson instead.

C. The Correct Way to Use a Personal Fund Which Has Been Properly Deposited

To help explain the correct way to use a Personal Fund which has been Properly Deposited, such Funds are classified into two types:

- When the monk has not been informed that a Personal Fund has been Properly Deposited with a lay steward for his own benefit, even though he might suspect such a Fund to have been established, then he should not ask the lay steward for a requisite nor prompt him nor remind him at all – should he ask the lay steward for a requisite then he incurs a *pācittiya* under *pācittiya 47*. However, should the lay steward invite the monk to ask for what he needs, or should the lay steward happen to be a relation, then the monk may ask the lay steward for an allowable requisite and having received it make use of it.

- When the monk has been informed that a Personal Fund has been Properly Deposited with a lay steward for his own benefit, then he may inform that lay steward about a requisite he wants, for example by saying, "I am in need of a pen" or "I am lacking some toothpaste" – should the lay steward consequently offer the requisite then the monk may receive it and use it as he pleases. But should the monk say to the lay steward, "Go buy me a pen" or "Get me some toothpaste with the Fund you are holding for me" or any similar statement which amounts to a 'command', then according to the Samantapāsādikā (VA 698) this is another case of 'Wrong Procedure' (*dubbicāritattā*) and the monk who ordered the article may not make use of it although other monks may.

When the monk has 'prompted' the lay steward holding the Fund with such a hint or suggestion which falls short of a 'command' but the requisite is not forthcoming, then he may repeat the 'verbal prompting' at most a further five times. Should the monk prefer, he may substitute one 'verbal prompting' for two occasions of 'standing in silence'. 'Standing in silence' means that the monk goes to the lay steward holding the Fund and stands in his presence without saying a word – though should the lay steward ask the monk why he has come, the monk may reply very tersely only saying, "You should know!" The monk should not say more than this, nor should he sit

down, nor should he accept food or drink from the lay steward, otherwise it may not be counted as ‘standing in silence’.

Thus at most a monk may:

> verbally prompt the lay steward 6 times and not stand in silence at all,
> or verbally prompt the lay steward 5 times and stand in silence 2 times,
> or verbally prompt the lay steward 4 times and stand in silence 4 times,
> or verbally prompt the lay steward 3 times and stand in silence 6 times,
> or verbally prompt the lay steward 2 times and stand in silence 8 times.
> or verbally prompt the lay steward 1 time and stand in silence 10 times,
> or not verbally prompt the lay steward at all and stand in silence 12 times.

Should the requisite still be unforthcoming, then it is the duty of the monk to inform the original donors, either by going himself or by sending a message, saying that the donors’ money is not being used for the purpose intended. According to the Samantapāsādikā (VA 674) a monk in this situation who neglects to inform the original donors incurs an offence of *dukkata*. A monk may not do any more than this with a Personal Fund which has been Properly Deposited.

The Offence of *Nissaggiya Pācittiya*

When a monk ‘verbally prompts’ the lay steward holding the Personal Fund or ‘stands in silence’ in his presence beyond the limits described just above, then he incurs an offence of *dukkata*. If the requisite is consequently forthcoming, when the monk receives it he incurs a *nissaggiya pācittiya*. He has to forfeit the requisite to a Saṅgha (a group of four or more monks), to a smaller group of monks, or to an individual monk – he would normally choose to forfeit the requisite to a single monk. It is the tradition that he speaks a certain Pāli formula when forfeiting the requisite and this Pāli formula can be found in such books as ‘A Bhikkhu Manual – Vinaya Notes’. Having forfeited the requisite the offending monk should confess the offence with another monk. The forfeited requisite should then be returned to the offending monk, not to return it being a *dukkata* offence.

Minor Points

1. It is important to notice the Vinayapiṭaka’s example of a message to the original donors which a monk is obliged to send when the personal fund is not being used for the purpose intended:

   > “May the respected donors take action concerning their property! May your property not be lost!”
   > (*Yuñjant āyasmanto sakaṃ! Mā vo sakaṃ vinassā ti! – Nissaggiya Pācittiya* 10.1.3 and 10.2.2)

This shows as clear as can be that any money kept with a lay steward as a Personal Fund for a monk's benefit is not that monk's money, nor the lay steward's money, but remains the property of the original donors until it is used by the lay steward to purchase a requisite for the monk. Once this point of ownership is well comprehended it becomes clear why a monk may not command the lay steward "Go buy this!" and why even prompting is so restricted.

2. The Vinayapiṭaka's *nissaggiya pācittiya* 10 only mentions the case of a Personal Fund established to supply a monk with robes or robe material. However, recalling that the *Meṇḍaka* Allowance clearly permits Personal Funds to be set up to supply a monk with requisites other than robes or robe material, the Samantapāsādikā states (VA 677) that this 10th *nissaggiya pācittiya* includes all Personal Funds. Thus, for example, it may occur that a monk has to forfeit a train ticket and confess an offence of *nissaggiya pācittiya* because the ticket was obtained as a result of prompting the lay steward holding the Personal Fund, or standing in silence in his presence, beyond the limit described in this rule.

3. So far I have mentioned only Personal Funds, which are set up with money. The Vibhaṅga mentions also Personal Funds set up with gold, or pearls (*muttā*), or gems (*maṇi*). In the less probable situation of a Personal Fund being set up with gold, silver, gems, jewellery or similar valuables, the same procedures and offences as mentioned above for a Personal Fund set up with money also apply.

4. In a situation where a monk is informed by some lawyers that he has inherited some money he may not accept it as his own possession, nor may he issue any form of 'command' to those lawyers to establish a Personal Fund for his benefit. But he may explain to the lawyers how a Personal Fund becomes Properly Deposited and then leave it up to them.

Saṅgha Funds, Monastery Funds and Other Funds

A group of monks, for example the local Saṅgha, may no more own gold, money, silver, gems or jewellery than may an individual monk. For this reason, a group of monks may not receive any of these things into its possession. However, just as with a Personal Fund, a donor may deposit gold, money etc. with a lay steward to supply the members of the local Saṅgha with allowable requisites as the need arises. Such a Fund is called a Saṅgha Fund and, just like a Personal Fund, it remains the property of the original donor until it is used to fulfil the intention of that donor.

Impersonal Bodies such as a monastery, a Buddhist Society, a *cetiya*, a monastery supported orphanage or hospice for example are not prohibited from owning gold, money, silver, gems or jewellery. Therefore, although a monk may not receive the gold, money, silver, gems or jewellery himself on behalf of the Impersonal Body, nor have them received, since these would be an offence under *pācittiya* 84, he should not refuse such gifts. For example, from the Samantapāsādikā (VA 677), when a donor says "I give this gold and money to the *cetiya*, or to the monastery, or to the building

work" then the monk should not reject the gift but inform a competent lay steward about the matter. In this case, once the gold, money, silver, gems or jewellery has been given they become the property, an asset, of the Impersonal Body and are no longer the property of the original donor.

How a Saṅgha Fund Becomes Properly Deposited

When a monk accepts gold or money in any of the three ways which result in an offence under *nissaggiya pācittiya* 18 – that is he comes to own that gold or money by receiving it himself, having it received or agreeing to be the owner when it is given indirectly – before donating it to the Saṅgha Fund, then that Fund becomes 'Improperly Deposited' and may not be made use of by any monk. That gold or money has to be forfeited to the Saṅgha with the monk confessing an offence of *nissaggiya pācittiya* and the gold or money then must be given away to a layperson who happens to be present or thrown away 'as if it were excrement' as explained under *nissaggiya pācittiya* 18 below.

When a monk accepts gold, money, silver, gems or jewellery on behalf of the local Saṅgha for the Saṅgha Fund, either by receiving it himself or by having it received, then he incurs an offence of *pācittiya* under *pācittiya* 18. Such a Saṅgha Fund thereby becomes 'Improperly Deposited' and, according to the Samantapāsādikā (VA 677), it may not be made use of by any monk. For example, from the Samantapāsādikā (VA 677), should a donor bring money and say, "I give this money to the Saṅgha; may the Saṅgha use it for the Four Requisites", then because of the donor's words, if a monk accepts the gift on behalf of the Saṅgha, the Saṅgha thereby becomes the owner of that money. Thus the monk incurs a *pācittiya* and the Fund becomes 'Improperly Deposited' and unusable. According to the Samantapāsādikā (VA 679), in the case of an 'Improperly Deposited' Saṅgha Fund, if the Fund is reoffered by the original donor, or a member of his family, in a correct manner this time, then the Saṅgha Fund becomes 'Properly Deposited' and may be made use of by all the monks. Otherwise, the Fund would have to be given away to a layperson or thrown away.

A Saṅgha Fund becomes 'Properly Deposited' when a monk accepts the gift of gold, money, silver, gems or jewellery, on behalf of the Saṅgha without incurring an offence either from *nissaggiya pācittiya* 18 or from *pācittiya* 84. For example, again from the Samantapāsādikā (VA 677), should the donor say, "I give this for the Four Requisites, the money will be in the hands of the lay steward", then the monk may accept the gift on behalf of the Saṅgha by saying, "*Sādhu*". Because of the words used by the donor in this example, the Saṅgha has not become the owner of the money but the money still remains the property of the donor until it is used to supply one of the Four Requisites to a member of that Saṅgha, therefore the arrangement is allowable. In summary, if the words of the offering mean that the Saṅgha will come to own that gold, money, silver, gems or jewellery, then on accepting that gift the Saṅgha Fund becomes 'Improperly Deposited'; but if the words of the offering mean that the gold, money, silver, gems or jewellery will remain the property of the original donor kept in the hands of a lay steward for the benefit of the Saṅgha, then on accepting that gift it becomes a 'Properly Deposited' Saṅgha Fund.

Saṅgha Funds may be established not only with gold, money, silver, gems or jewellery but with other valuable items as well. When the valuable item is an inappropriate article for an individual monk to own, and therefore inappropriate for a Saṅgha of monks to own, for example fields orchards and livestock (see Dīgha Nikāya 1.1.10), then the monk accepting the offering on behalf of the Saṅgha must be careful lest the Saṅgha ends up owning that inappropriate article. For example, from the Samantapāsādikā (VA 682), should donors say to the monks, "We offer an orchard to the Saṅgha" then the gift may not be accepted because it would become the possession of the Saṅgha – but should they say instead, "We offer an orchard to supply the Saṅgha with the Four Requisites" then the offer may be accepted. In this case the orchard would be regarded as still the property of the original donors and would be administered by a lay steward not by the monks. Similarly, again from the Samantapāsādikā (VA 683), should the donor offer cows saying, "I give these cows to the Saṅgha" the the gift must be refused. The Saṅgha may not own cows. But if the donor says, "I give these cows to provide the Saṅgha with milk" then the gift may be accepted. A suitable layperson would manage the cows and supply the monks with milk from time to time. Should a donor offer shares in a business or other investments to the Saṅgha then, as before, if he says, "I give this to the Saṅgha" the gift should be refused, but if he says, "I give this to supply the Saṅgha with the Four Requisites" then it may be accepted and managed by a suitable layperson. Although as has been stated above neither a monk nor a Saṅgha may own livestock, the Samantapāsādikā (VA683) reasonably states that it is allowable for a monk or a Saṅgha to accept cows, pigs, chickens or other valuable livestock in order to release them into a forest or other safe area where they will escape the butcher's knife.

The Way to Use a Saṅgha Fund

A Saṅgha Fund, just like a Personal Fund, is the property of the original donors' until it is used to fulfil the donors' intentions. Should a monk obtain permission from the Saṅgha to use the Saṅgha Fund and then tell the lay steward for example, "Go buy me a bus ticket from the Saṅgha Fund" or "Using money in the Saṅgha Fund, get me an alarm clock" or any similar statement that amounts to a command, then according to the Samantapāsādikā (VA 690) this is a case of 'Wrong Procedure' (*dubbicāritattā*) and the monk who ordered the article may not make use of it although other monks may. Instead the monk should only inform the lay steward of what is needed, such as by saying, "The Saṅgha has given me permission to make use of the Saṅgha Fund and I am in need of a bus ticket" or any such similar suggestion which falls short of a command. When the item is forthcoming he may use it as he pleases. If the item is not forthcoming then he may repeat the suggestion to the lay steward as many times as he wants – unlike a Personal Fund, for a Saṅgha Fund there is no limit to prompting the lay steward. Alternatively the monk may inform the Saṅgha that the requisite was not provided and the Saṅgha may then speak to the lay steward or else inform the original donors that their money is not being used for the purpose intended. Similarly, in the Samantapāsādikā's example (VA 682), quoted in the paragraph above, where donors offer an orchard to supply the Saṅgha with the Four Requisites, should the lay steward administering that orchard offer requisites to the Saṅgha supplied from the orchard then those requisites may be accepted. Should the lay steward not give anything, then the Saṅgha may 'prompt' him without limit. If he

still does not give the Four Requisites supplied from the orchard then the original donors should be informed. In summary, because the money or orchard or other valuable articles which make up the Saṅgha Fund still belong to the original donor, a member of the Saṅgha may not command that Fund as if it were his own property. Instead he should regard it as if the donor had given the Saṅgha 'Invitation' (*pavāraṇā*) to inform the lay steward, acting as the donor's agent, of their material needs, similar to the personal *pavāraṇā* of *pācittiya* 47.

When a Saṅgha Fund is established by a donor for a particular purpose then it should be used just for that purpose. For example, from the Samantapāsādikā (VA 678), if the Saṅgha Fund is set up to supply the members of the Saṅgha with robes, the Saṅgha should not make suggestions to the lay steward for food. However, according to the Samantapāsādikā (VA 678), when the Saṅgha Fund has been designated for one type of *lahubhaṇḍa* of which there is already a plentiful supply and there is a shortage of another type of *lahubhaṇḍa*, for example the Saṅgha Fund was set up to supply robes of which there are plenty but the monks lack sufficient food, then the Saṅgha may agree by *apalokana-kamma* to change the original purpose of the Saṅgha Fund to meet their present need. *Apalokana-kamma* is a type of Saṅghakamma in which the formal resolution raised for the Saṅgha's consideration is phrased in one's own words, but as with any Saṅghakamma it must fulfil the rules required such as all the monks in the *sīmā* being present at the meeting sitting within *hatthapāsa* or else they have sent their consent (*chanda*) to proceed in their absence. However, it is not allowable even by a *Saṅghakamma* to use a Saṅgha Fund designated for *garubhaṇḍa* to obtain *lahubhaṇḍa* (VA p 678).

When a Saṅgha Fund has been 'Improperly Deposited' as explained in "How a Saṅgha Fund Becomes Properly Deposited" above, then it may not be used. Should a monk obtain a requisite from a Saṅgha Fund which is Improperly Deposited then according to the Samantapāsādikā (VA 698) the requisite may not be used by any monk at all but instead will have to be given away to a layperson or else thrown away.

Monastery Funds and Other Impersonal Funds

'Impersonal Funds' are Funds whose beneficiary is other than an individual monk or a group of monks such as the local Saṅgha. For example, 'Impersonal Funds' would include: a Fund to construct and maintain the buildings in a monastery – a Monastery Fund; a Fund to support an orphanage connected with a monastery – an Orphanage Fund; a Fund to support the needs of the local lay Buddhists – a Buddhist Society Fund; and so on. 'Impersonal Bodies' such as a monastery (meaning the land and buildings, not the inhabitants), an orphanage or a Buddhist Society, may own gold, money, silver, gems, jewellery, fields, orchards, livestock, real-estate, investments and other valuable assets. For this reason a monk should not refuse a gift of such things when it is offered directly to the Impersonal Body. For example, from the Samantapāsādikā (VA 677), should donors, without mentioning an individual monk or a group of monks or a Saṅgha of monks, offer gold and money saying, "We give this gold and money to the *cetiya* (shrine), or the monastery, or to the building work" then it is not allowable for a monk to refuse the gift – he should inform a lay steward about what the donors said so that the lay steward may receive the gift. Another

example, again from the Samantapāsādikā (VA 683), should a donor say, "I give this farm to the monastery" then a monk should accept that gift on behalf of the monastery, perhaps by saying, "*Sādhu!*".

However, a monk may not accept gold or money for himself in any of the three ways which result in an offence under the 18th *nissaggiya pācittiya* and then donate it to an Impersonal Fund. His gold or money which he received himself, or which he had received, or which he agreed to regard as his own when it was given indirectly, must be forfeited to the Saṅgha and then given away to whatever layperson happens to be present or else thrown away.

Nor should a monk accept gold, money, silver, gems, jewellery or whatever else is considered as a valuable article in a way which would result in an offence under *pācittiya* 84, that is through receiving it himself or having it received on behalf of the Impersonal Body. For example, if a donor offers money to a monk saying, "This is for the Monastery Fund" and that monk receives the money into his hand on behalf of the Monastery Fund, then the monk incurs a *pācittiya* under *pācittiya* 84. Should the monk tell the donor, "Put the money over there" or "Give it to the lay steward", then the monk also incurs a *pācittiya* under the same rule for having the money received for the sake of another. But if, without telling the lay steward what to do, the monk merely calls him over and informs him of what the donor has said then it is proper and he incurs no offence. Neither the Vinayapiṭaka nor the Samantapāsādikā say what should be done with a gift meant for an Impersonal Fund which a monk has accepted incurring an offence under *pācittiya* 84. However, when one remembers that the gift should be returned to the original donor until it is put in the Impersonal Fund, this means that neither the offending monk not the Saṅgha may give the gift away to a layperson or throw it away, because it is not theirs! Instead, the gift should be returned to the original donor or else handed over to a lay steward to deposit in the Impersonal Fund, whichever seems more appropriate in the circumstances. For example, if a monk has received into his own hand a cash donation on behalf of an Orphanage Fund, then having arranged for the money to be handed over to the orphanage, he should confess an offence of *pācittiya*.

Unlike Personal Funds or Saṅgha Funds which belong to the original donors until they are used, Impersonal Funds belong to the Impersonal Body. For example, when a donor's money has been deposited in the Orphanage Fund Account, then the donor's intention has been fulfilled and the money is now an asset belonging to the orphanage. Similarly, a Monastery Fund is not the property of the original donors' but an asset belonging to the monastery. This difference between Impersonal Funds, and Personal or Saṅgha Funds has important consequences with regard to the way an Impersonal Fund may be used. A monk may not 'command' the use of a Personal or Saṅgha Fund by saying, for example, "Get me this" or "Buy me that", but a monk authorized by the Impersonal Body may 'command' the use of an Impersonal Fund by issuing orders. For example, the monk who is elected buy the local Saṅgha to be in charge of monastery building work and maintenance (the *navakammika*) may order the layperson holding the Monastery Fund saying, for example, "Go buy 3 bags of cement" or "Get a 1000 bricks". Or a monk on the governing body of an orphanage may tell the treasurer of the Orphanage Fund, "Buy 10 new beds" or "Order a new refrigerator for the orphanage kitchen" and so on. A monk who 'commands' the use of an Impersonal Fund must regard any stipulations made by the donors of that Fund,

for example if the donors gave money to the Monastery Fund to build visitors' toilet facilities, he should not use the money to build a meditation hall.

Although it is allowable according to the Vinaya for a monk to manage such Impersonal Funds when he has been authorized to do so by the Impersonal Body, in many situations it would seem inappropriate. For example, it does not seem appropriate for a monk to manage a farm which is an asset of the monastery, or to manage the stocks and shares belonging to a Buddhist Society of which he is the Spiritual Director. It is more seemly that such matters be left in the hands of a competent layperson.

Indeed, at the end of this long rule which explains the limit of what is allowable according to the Vinaya, it seems worthwhile to remind every monk of the simplicity of lifestyle and fewness of wishes praised by their teacher, the Buddha. Though a monk may use the benefit of a Personal Fund or a Saṅgha Fund, and though he may help others by managing an Impersonal Fund, his basic material needs, he should recall, are but four:

> "The life of one gone forth as a monk depends on four supports: food gathered on alms round, robes made from discarded rags, lodgings at the root of a tree, and medicines made from fermented urine. For the rest of your life as a monk you should practise remembering this! Other allowances, such as food brought by laypeople, robes made of new cloth such as cotton, lodgings in comfortable buildings, and medicinal tonics such as honey or sugar – all these are mere extras, not necessities."
>
> Mahāvagga 1.30.4 (my own translation)

NISSAGGIYA PĀCITTIYA 11

The Story

This incident occurred when the Buddha was residing at Ālavī, at the chief shrine at Ālavī.

At this time, the group of the six monks went to some silk-farmers and said, "Sirs, boil many silkworms and give us the silk. We want to make a *santhata* of silk".

Then those silk-farmers became annoyed and complained, "How can these *samaṇas*, the Buddhist monks, come and tell us to boil many silk worms and give them the silk, just because they want to make a *santhata* of silk? It's bad kamma enough for us as it is that we have to destroy so many small creatures just so that we and our families can get by!"

The monks of few desires heard the silk-farmers' criticism and they also became upset and complained, "How can the group of the six monks go to silk-farmers and tell them to boil many silk worms and give them the silk, just because they want to make a *santhata* of silk?" and they told the matter to the Buddha. The Buddha then

convened the local Saṅgha and asked the group of the six monks whether the report was true. Being told that it was so, the Buddha admonished the group of the six monks and then established the following rule:

Having a santhata made with silk is a nissaggiya pācittiya.

Santhata

The Vibhaṅga and the Samantapāsādikā define '*santhata*' merely by describing the way it is made; wool (or silk) is spread out and glued together in layers using a paste made of boiled rice and water. It was not woven. Although the method of manufacture of a *santhata* is clear, there is much uncertainty as to how they were used.

The strongest indication as to the use of the *santhata* occurs in *nissaggiya pācittiya* 15 where a '*nisīdana-santhata's* is defined in exactly the same way as an ordinary sitting cloth (*nisīdana*).

In the Origin Story to *nissaggiya pācittiya* 14, *santhata* used by laypeople were said to have been 'soiled and wetted with urine' by their children. This together with the reference in the same rule to their use by sick monks suggest *santhata* were also used for bedding, maybe as sleeping mats or even blankets.

In the Samantapāsādikā's explanation of *nissaggiya pācittiya* 15, a *santhata* is referred to as a 'fourth robe'. Indeed, in the Origin Story to that rule, many monks threw away their *santhata* in order to follow the 'rag-robe-wearer's practice' (*paṃsukūlika dhūtaṅga*). Its use as a robe is further suggested by the Vibhaṅga's definition, in *nissaggiya pācittiya* 15, of a 'used *santhata*'; 'worn (*nivattha*) once, put on (*pāruta*) once'. The two Pāli words, *nivattha* and *pāruta*, are used elsewhere in the Vinayapiṭaka only in the sense of wearing some article of clothing.

If a *santhata* was a particular item of clothing, though, one would expect it to be mentioned in the chapter of robes (*cīvara-khandaka*) in the Mahāvagga which deals at length with the details of a monk's clothing. It is not mentioned there. If *santhata* were particular items for furnishing a lodging, such as a sitting mat or a rug or a blanket, then one would expect it to be mentioned in the chapter on furnishings (*senāsana-khandaka*) in the Cullavagga, and elsewhere in the Vinayapiṭaka outside of *nissaggiya pācittiya* 11 to 15.

This leads one to conclude that *santhata* is not the name of a particular requisite but is a name for a type of material similar to felt. It would have been used for various things such as sitting mats, sleeping mats, rugs and blankets. It may even have been worn around the body, like a shawl maybe, but its regular use as a robe seems unlikely. It would have been much thicker than ordinary robe material and therefore bulky to carry (in the Origin Story of *nissaggiya pācittiya* 14 a sick monk was too sick to carry his *santhata* on a journey). It would also be impossible to wash (the glue made from starch would dissolve in the water and the *santhata* would come apart).

‘Having a *santhata* made with silk’ means either he makes it himself or he arranges for someone else to make one for him, and the *santhata* contains some silk, even as little as one fibre of silk.

For each preliminary action in having such a *santhata* made, the monk incurs a *Dukkata*. When he completes his *santhata* made by himself, or when he receives the completed *santhata* made for him, he incurs a *nissaggiya pācittiya.* He has to forfeit the *santhata* made with silk to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The *santhata* should then be returned to the offending monk, not to do so being a *dukkata.*

When a monk has a *santhata* made with silk to give to someone else, he incurs a *dukkata.*

When a monk acquires and uses a *santhata* containing silk made for someone else, he incurs a *dukkata*

This shows that a *santhata* containing silk is, by its very nature, an unallowable item for any monk. Thus, for the monk having incurred a *nissaggiya pācittiya* for having one made, having forfeited it and confessed the offence, when he receives his *santhata* back he still may not use that article. He would be obliged to give it to a layperson, throw it away or, more likely, shred his *santhata* and use the material for something else.

There is no offence for using silk as a robe material, or in cloth used for furnishings such as a ground sheet or a canopy or a pillow case, or as stuffing for mattresses and pillows.

It seems that this rule was established because a *santhata* made with silk was considered an extravagant item. Silk could be used, though, in other requisites of a monk, most notably as an allowable material for robes. But if a monk followed the example of the group of the six monks and told silk farmers to kill many silk worms to provide him with silk, then he would incur many *pācittiyas* under *pācittiya* 61. Indeed, it does seem appropriate to recall the conditions which allow a monk to receive meat and do likewise with regard to silk: that if a monk saw or heard or even suspected that silkworms were killed specifically for him, then perhaps he should refuse that silk or give it away. But when he wears a rag robe made from old pieces of silk or even a robe completely made from silk bought in a shop, then there is no offence. In the latter case, though, the monk would do well to consider that a robe made wholly of silk would be thought of as extravagant by many and quite inappropriate to the very ethos of a frugal and a compassionate monk.

It appears that the ‘*santhata’* dropped out of fashion very soon because no further mention of its use can be found. The Samantapāsādikā does state, in its explanation to this rule, that should a single fibre of silk be blown in the wind and land in the very *santhata* one is making, or having made, without one’s knowledge, then though the rest of the *santhata* may be of wool one incurs a *nissaggiya pācittiya* nevertheless. Perhaps this is the very reason why monks stopped using a *santhata*!

NISSAGGIYA PĀCITTIYA 12

The Story

This incident occurred when the Buddha was residing at Vesālī, in the Gabled Hall in the Great Forest (*mahāvana*).

At this time, the group of the six monks had a *santhata* made consisting entirely of black wool. When lay people visited the monastery and saw the completely black, woollen *santhata* they became annoyed and complained, "How can these *samaṇas*, the Buddhist monks, have a *santhata* made entirely of black wool? They are just like householders who enjoy pleasures of the senses".

When the monks of few desires heard these laypeople's criticism, they also became upset and complained, "How can these the group of six monks have a *santhata* made entirely of black wool?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Being told that it was so, the Buddha admonished the group of the six monks and then established the following rule:

Having a santhata made entirely of black wool is a nissaggiya pācittiya,

'Black wool' is wool from a sheep or a goat, which is either naturally black or else dyed black. A '*santhata*' is explained in the previous rule, *nissaggiya pācittiya* 11.

'Having a *santhata* made entirely of black wool' means either he makes it himself or he arranges for someone else to make one for him. For each preliminary action in having such a *santhata* made, the monk incurs a *dukkata*. When he completes his *santhata* made by himself, or when he receives the completed *santhata* made for him, he incurs a *nissaggiya pācittiya*. He has to forfeit the *santhata* made entirely of black wool to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The *santhata* should then be returned to the offending monk, not to do so being a *dukkata*.

When a monk has a *santhata* made entirely of black wool to give to someone else, he incurs a Dukkata.

When a monk acquires and uses a completely black, woollen *santhata* made for someone else, he incurs a *dukkata*.

This shows that a *santhata* consisting entirely of black wool is, by its very nature, an unallowable item for any monk. Therefore, in the case of a monk who has incurred a *nissaggiya pācittiya* for having one made and who has forfeited the item and confessed the offence, when he receives his black woollen *santhata* back he still may not use it. He would be obliged to give it to a layperson, throw it away or, more likely, shred his black *santhata* and use the material for something else.

There is no offence for using black wool, spread out and even glued, as stuffing for mattresses and pillows, or as a floor covering, canopy or screen wall.

NISSAGGIYA PĀCITTIYA 13

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in th Jetavana, in Anāthapiṇṭika's monastery.

At this time, the group of the six monks, recalling to mind that a *santhata* made entirely of black wool had been forbidden by the Buddha, had a woollen *santhata* made with just a little white on the edges and the rest thoroughly black!

When the monks of few desires saw the group of the six monks' new *santhata* they became upset and complained. "How can the group of the six monks have a black woollen *santhata* made which, though they add a little white sool at the edges, is just the same as one entirely black?" and they reported the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Being told that is was so, the Buddha admonished the group of the six monks and then established the following rule:

Having a santhata made mostly of black wool is a nissaggiya pācittiya.

The Buddha advised that when a monk makes a new *santhata* he may use black wool mixed with white and reddish-brown wool in the following proportions, calculated by weight: one half to be black wool, one quarter white wool and one quarter reddish-brown wool. The proportion of white and reddish-brown wool may be greater than this, but when a monk has a *santhata* made containing more than half by weight of black wool, then for each preliminary action in having it made he incurs a *dukkata.* When he completes his *santhata* made by himself, or when he receives the completed *santhata* made for him, he incurs a *nissaggiya pācittiya.* He has to forfeit that *santhata* made mostly of black wool to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The *santhata* should then be returned to the offending monk, not to do so being a *dukkata.*

When a monk has a *santhata* made mostly of black wool to give to someone else, he incurs a *dukkata.*

When a monk acquires and uses a *santhata* containing mostly black wool, made for someone else, he incurs a *dukkata.*

This shows that a *santhata* containing more than half by weight of black wool is, by its very nature, an unallowable item for any monk. Therefore, in the case of a monk who has incurred a *nissaggiya pācittiya* for having one made and who has forfeited the item and confessed the offence, when the *santhata* containing mostly black wool is returned to him he still may not use it. He should be obliged to give it to a

layperson, throw it away or, more likely, shred it and make a new *santhata* adding enough white or reddish-brown wool this time to make it allowable. (However, one can argue from the following rule, *nissaggiya pācittiya* 14, that having had a *santhata* made, albeit of a type that he cannot use, he may not have another one made until six years have passed!)

There is no offence for using a greater proportion than a half of black wool as stuffing for mattresses and pillows, or when making a floor covering, canopy or screen wall.

NISSAGGIYA PĀCITTIYA 14

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇṭika's monastery.

At this time, some monks were having new *santhata* made every year and so they were forever asking lay people for wool. The lay people became oppressed and complained, "How can these *samaṇas*, the Buddhist monks, have a new *santhata* made every year? How can they forever be asking us for wool? Although our own *santhata* are soiled by our children with their faeces and urine, although they are chewed by rats, we make them last five or six years! So how can these *samaṇas*, the Buddhist monks, have a new *santhata* made every year and so be constantly asking us for wool?"

When the monks of few desires heard the laypeople's criticism they also became upset and complained, "How can these monks have a new *santhata* made every year and so be constantly asking the laypeople for wool?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the monks responsible whether the report was true. Having been told that it was so, the Buddha admonished those monks and then established a rule which prohibited a monk making a new *santhata* more than once in six years.

Later on, a certain monk became ill and was invited to go to his relations so that they could nurse him. The monk declined to go, explaining to his fellow monks, "Venerable Sirs, a rule has been established by the Buddha which prohibits a monk making a new *santhata* more than once in six years. Now I am too ill to carry my *santhata* with me. Should I go to my relations, when I arrive there I will not be allowed, because of the rule, to have another one made for me. But, because of this illness, it is just too much discomfort for me to be without a *santhata*. So I'd rather not go". When the Buddha was told about this sick monk's plight, he amended the rule to allow the local Saṅgha to give special permission to a monk who is ill so that he may have a new *santhata* made to ease his discomfort, even though he had made a *santhata* less than six years before.

> *Having a new santhata made more than once in six years, except when one has been given the* Saṅgha's *permission, is a nissaggiya pācittiya.*

Having a new *santhata* made means either he makes it himself or he arranges for someone else to make it for him.

In this rule, it is irrelevant whether he is still using the last *santhata* he had made or not or it has long since worn out, or whether he is using another one or he has no *santhata* at all. If it has been less than six full years since he completes his new *santhata* made by himself, or when he receives the completed *santhata* made for him, he incurs a *nissaggiya pācittiya.* He has to forfeit the new *santhata* to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The *santhata* should then be returned to the offending monk, not to do so being a *dukkata.* The monk may then use that *santhata* as he pleases because in itself it is not an unallowable item for a monk to use.

When a monk, who has had a *santhata* made less than six years before, has another *santhata* made to give to someone else then incurs no offence. However, he would then have to wait a further six years before he may have one made for himself! But should a monk, who has had a *santhata* made less than six years before, acquire a new *santhata* which was caused to be made by another, for example he receives it as a gift, then he may make use of it as he pleases without incurring an offence.

There is also no offence for having a new *santhata* made more than once in six years when the monk has been given the Saṅgha's Permission. The Saṅgha's Permission is only given to a monk who is ill and who has need of a new *santhata.* It is given in a formal meeting of the local Saṅgha (a 'Saṅghakamma') at the request of the sick monk and it is granted by a formal resolution of the Saṅgha consisting of a motion and one announcement.

NISSAGGIYA PĀCITTIYA 15

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, the Buddha told the monks, "Monks, I want to go into solitary retreat for three months and so I am not to be visited by anyone except for the one who brings my food". Soon after, the local Saṅgha at Sāvatthī made a rule that whoever goes to visit the Buddha during his retreat, except for the one who brings him food, incurs a *pācittiya.*

Some time later, Ven. Upasena (a younger brother of Ven. Sāriputta) arrived a Sāvatthī together with his disciples and they all went to pay their respects to the Buddha. After the proper respects had been paid, the Buddha asked one of Ven.

Upasena's disciples who was wearing rag-robes, "Monks, are rag-robes liked by you?"

> "No, Lord, they are not", the monk replied.
>
> "Then, monk, why do you wear them?"
>
> "Lord, my preceptor, Ven. Upasena, wears only rag-robes therefore I also wear only rag-robes."

The Buddha then turned to Ven. Upasena and asked him, "These monks are pleased with you, Upasena. How do you train them?"

> "Lord", replied Ven. Upasena, "should someone ask me to give him ordination as a monk (*upasampadā*) I tell him, 'Sir, I am a forest monk, I eat only what I receive on alms round and I wear only rag-robes. If you will do the same then I will give you *upasampadā*', and if a monk should ask me for dependence (*nissaya*) then I also tell him, 'Venerable Sir, I am a forest monk, I eat only what I receive on alms round and I wear only rag-robes. If you will do the same then I will give you *nissaya*'. In this way do I train my disciples, Lord."
>
> "*Sādhu*! *Sādhu*, Upasena!" replied the Buddha, "It is excellent that you train your disciples in this way. But, Upasena, do you know about the rule made by the Saṅgha at Sāvatthī?"
>
> "No, Lord, I do not know about such a rule."
>
> "Upasena, the local Saṅgha at Sāvatthī have made a rule that whoever comes to visit me during this period that I am on retreat, except for the one bringing me food, will incur a *pācittiya*."
>
> "Lord, the local Saṅgha at Sāvatthī will become well known for its own rules! But we will not make any new rules for the monks, nor will we abolish the existing rules, but we will practise following all those rules of Vinaya established by the Buddha."
>
> "*Sādhu*! *Sādhu*, Upasena!" replied the Buddha, "One should not make any new rules for the monks, nor should one abolish the existing rules, but one should practise following all those rules of Vinaya established by me. Furthermore, Upasena, I allow those who are forest monks, who eat only what they receive on alms round and who wear only rag-robes to come and see me whenever they please."

Now some resident monks had seen Ven. Upasena meet with the Buddha and they wanted to make him confess the offence. When Ven. Upasena had come away from the Buddha, these monks came and asked him if he knew about the rule made by the Saṅgha at Sāvatthī. Ven. Upasena then told them what the Buddha had just said to him. The residents said, "It is true what Ven. Upasena says! One should not make

any new rules for the monks, nor should one abolish the existing rules, but one should practise following all those rules of Vinaya established by the Buddha”.

The other resident monks soon heard that whoever was a forest monk, who ate only what they received on alms round and who wore only rag-robes, was allowed to visit the Buddha whenever they pleased. Therefore, many monks, longing to visit the Buddha, threw away their *santhata* and became forest dwelling monks, who ate only what they were given on alms round and who wore only rag-robes.

After his retreat was ended, the Buddha, while walking around the dwellings of the monks, saw many *santhata* discarded here and there and so he asked the monks with him why this was. When the monks told him what had occurred, the Buddha established the following rule:

> *Having a nisīdana-santhata made without including a piece from an old santhata is a nissaggiya pācittiya.*

Having a *nisīdana-santhata* made means either he makes one himself or he arranges for someone else to make one for him.

When material from an old *santhata* is available, a monk has to cut out a circular piece one *sugata*-span (about 25 cm.) in diameter, or a square piece one *sugata*-span long on each side, and either attach it as one corner of his new *nisīdana-santhata* or else shred it and mix it in with the new wool before starting to make the new *nisīdana-santhata*. Should he have a *nisīdana-santhata* made without including a piece of such a size from an old *santhata*, then for each preliminary action he incurs a *dukkata*. When he completes his *nisīdana-santhata* made by himself, or when he receives the completed *nisīdana-santhata* made for him, he incurs a *nissaggiya pācittiya*. He has to forfeit that *nisīdana-santhata* to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The *nisīdana-santhata* should then be returned to the offending monk, not to do so being a *dukkata*. The monk may then use that *nisīdana-santhata* as he pleases because, in itself, it is not an unallowable item for a monk to use.

When he has a *nisīdana-santhata* made to give to someone else, without including a piece of such a size from an old *santhata*, then he incurs a *dukkata*. But when he acquires a *nisīdana-santhata* made by another, for example he receives it as a gift, which does not contain a piece of such a size from an old *santhata*, then he may make use of it as he pleases without incurring an offence.

There is also no offence when there is insufficient material from an old *santhata* to include a piece of such a size and so he includes only what is available to him. When there are no old *santhata* at all for him to use, then he may go ahead and have a new *nisīdana-santhata* made completely with new material and he incurs no offence.

This rule only concerns a ‘*nisīdana-santhata*’. The ‘*nisīdana*’ is the monk’s sitting-cloth, but originally it was also the monk’s sleeping-sheet (it had been allowed by the Buddha ‘to protect the body, robes and lodgings’ after the Buddha had seen many robes and bedding stained because monks had had wet dreams while they were sleeping – Mahāvagga 8.16.1-3). Later on, a separate cloth was used as the sleeping-

sheet and the *nisīdana* then became just a cloth for sitting on. As it is not possible to date these rules on *santhata*, all one can be sure of is that a *nisīdana-santhata* was certainly a *santhata* used as a sitting-mat and possibly as a sleeping-mat as well. *santhata* used for other purposes are not included under this rule.

When establishing this rule, the Buddha said that the piece from the old *santhata* should be included so as to make the new *nisīdana-santhata* unattractive. However, it is also clear from the Origin Story that another purpose was to use up the material in old *santhata* so as not be wasteful.

A Note on the Story to This Rule

The Origin Story contains two important and far-reaching statements concerning the Vinaya.

First, here in the Origin Story we find the clearest pronouncement from the Buddha that only the Buddha can establish a rule of Vinaya, only the Buddha can abolish rule of Vinaya, and all that is left to the monks is to practise according to those rules of Vinaya, neither adding to, not subtracting from, them. The Buddha's actual statement was:

> "*Na apaññattaṃ paññāpetabbaṃ, paññattaṃ vā na samucchinditabbaṃ yathāpaññattesu sikkhāpadesu samādāya vattitabbaṃ*"
>
> "One should not lay down (a rule) which has not been established (by the Buddha), nor should one abolish what has already been established, but having accepted those training-rules just as they have been established, one should practise accordingly."

This same statement was also taught by the Buddha to the Vajjians as one of the seven conditions for the stability and welfare of their country (Sārandada Sutta, AN VII. 19). It was later repeated to the Magadhan minister Vassakāra in the beginning of the Mahāparinibbāna Sutta, after which the Buddha taught it to the monks as one of seven conditions for the stability and welfare of the Saṅgha. The same phrase was again used by Ven. Mahākassapa at the First Council in order to settle the question of what were the 'lesser and minor rules' which the Buddha had said to Ven. Ānanda could be abolished by the Saṅgha should they wish. The Saṅgha at the First Council agreed by a formal resolution (by a Saṅghakamma consisting of a motion and one announcement) that:

> "The Saṅgha does not lay down (a rule) which has not been established (by the Buddha), nor does it abolish what has already been established, but having accepted those training-rules just as they have been established, the Saṅgha practises accordingly." (Cullavagga 11.1.9)

And that became the conservative ethos, the strict adherence to the oldest tradition, which has ever been a feature of Theravāda up to the present.

As a consequence of this statement from the Buddha, the Saṅgha at Sāvatthī, probably the most influential centre of Buddhism at that time, were not able to add to the Vinaya. The Saṅgha of 500 *Arahants* at the First Council, even though they included such leaders as Ven. Mahākassapa, Ven. Upāli and Ven. Ānanda, were not able to subtract (the lesser and minor rules) from the Vinaya. Around 100 years after the final passing away of the Buddha, the Saṅgha at Vesālī tried to change some of the Vinaya rules, in particular to allow monks to receive and keep their own money. This led to the Second Council which eventually made the monks at Vesālī adhere to the old tradition, again showing how impossible it is, even as a Saṅgha, to alter the Vinaya. Thus it seems very unlikely that any large Saṅgha since, let alone a single monk has been able to change the content of the Vinaya without causing a schism. And so it seems very reasonable to conclude that the Theravāda Vinaya we have today is very much the same as the Buddha laid down.

The second point worth mentioning from the Origin Story is the Buddha's vigorous approval of Ven. Upasena making special rules just for his disciples. (This is in contrast to the Buddha's disapproval of making a new rule for *all* monks, which is changing the Vinaya.) To become a disciple of Ven. Upasena one had to observe the *āraññaka-dhūtaṅga*, the *piṇḍapātika-dhūtaṅga* and the *paṃsukūlika-dhūtaṅga* (the meaning of these terms can be found from the Origin Story above). Thus it became permissible for the Teacher at a monastery to insist that all those training under him observe special rules over and above the Vinaya rules, but not prohibited by the Vinaya.

NISSAGGIYA PĀCITTIYA 16

The Story

This incident occurred when the Buddha was residing a Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, a certain monk acquired some unspun wool while he was walking through the countryside of Kosala on his way to Sāvatthī, and so he wrapped up the wool in his *uttarāsaṅga* and carried it along. When people saw the monk carrying a bundle of goods they made fun of him, saying such things as, "How much did you pay for the merchandise, Venerable Sir, and how much profit will you make on the deal?" The monk became very embarrassed.

When he eventually arrived at Sāvatthī he threw down the bundle of wool and just stood there, thoroughly fed up! Other monks came and asked him what he was doing and he replied that he was sick and tired of being made fun of by the laypeople on account of that wool.

> "But how far have you carried that wool, Sir?" the monks asked.
> "Over 3 *yojanas*!" (48 Km.)

Then the monks of few desires became upset and complained, “How can this monk carry a bundle of unspun wool more than three *yojanas*?” and they told the matter to the Buddha. The Buddha convened the local Saṅgha and asked the monk whether the report was true. Having been told that it was so, the Buddha admonished that monk and then established the following rule:

> *Travelling further than 3 yojana carrying unspun wool which one acquired while on the journey is a nissaggiya pācittiya.*

This rule only concerns wool which is neither spun into yarn nor made up into a fabric, and which the monk received while on a journey. Thus there is no offence for carrying woollen yarn or woollen articles such as a *santhata*, and there is no offence for carrying unspun wool which one received before starting on the journey, no matter how far one carries these.

When a monk receives unspun wool while on a journey, given to him as a gift or picked up as ‘*paṃsukūla*’ or obtained using his own property (e.g. by having a steward barter something of the monk’s for the wool), then he may carry that wool at most 3 *yojanas*. When he carries it beyond 3 *yojanas* he incurs a *nissaggiya pācittiya*. He has to forfeit that wool to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The wool is then returned to the offending monk, not to return it being a *dukkata*. He may then use the wool as he pleases because, in itself, it is not an unallowable item.

Even small quantities of unspun wool can lead to an offence. The Samantapāsādikā gives the example of a monk on a journey receiving a little wool enough to put in his ears as earplugs. When he went further than 3 *yojanas* he incurred a *nissaggiya pācittiya!*

A ‘*yojana*’ is the distance one team of oxen can pull a cart. It is variously estimated by the ‘oxperts’ as anything from 4.5 miles (Prof. A.K. Warder) to 12 miles (Lord Childers). The uncertainty probably lies in the fact that not all teams of oxen are equally energetic! Nevertheless, the most reasonable estimate for the *yojana* seems to be that found in the Vinayamukha (Vol. 1, p. 235f) where one *yojana* is worked out to be around 10 miles or 16 kilometres.

There is no offence under this rule in the following situations:

- When someone else carries the wool for him. (But according to the Vibhaṅga, when the monk places the wool on another person’s vehicle or in that person’s luggage, without his knowledge, then this is still counted as carrying the wool himself and, going beyond 3 *yojanas*, the monk incurs a *nissaggiya pācittiya*).

- When he is unable to find a suitable place to stay within 3 *yojanas* and so he carries the wool further, looking for such a place.

- When, having lost possession of that wool, it is later returned to him and he carries it up to another 3 *yojana*. For example, thieves steal his wool but he

> later retrieves it, or, having committed an offence under this rule, he forfeits that wool to another monk and, having confessed the offence it is returned to him. In both cases, if the wool is given back to him while on a journey, he may carry the wool another 3 *yojana*.

NISSAGGIYA PĀCITTIYA 17

The Story

This incident occurred when the Buddha was residing at Kapilavatthu, in the Banyan monastery.

At this time, the group of the six monks had their wool washed, dyed and combed for them by the bhikkhunīs. The bhikkhunīs were so busy doing this work for the group of the six monks that they had no time for anything else.

Then the bhikkhunī Mahāpajāpatī Gotamī went to visit the Buddha and, after the proper respects were paid, the Buddha said to her "Gotamī, I hope the bhikkhunīs are practising diligently?"

> "Where, Lord, is there time for practice? The bhikkhunīs are all too busy washing, dyeing and combing wool for the group of the six monks!"

The Buddha then inspired the bhikkhunī Mahāpajāpatī Gotamī with a rousing discourse on the *Dhamma* and, after she had left, he convened the local Saṅgha. He asked the group of the six monks whether the report was true. Having been told that it was so, the Buddha then admonished the group of the six monks and then established the following rule:

> *Having wool washed, dyed or combed by a bhikkhunī who is not a relation is a nissaggiya pācittiya.*

This rule only concerns wool which is yet to be spun into yarn. There is no offence under this rule for having a bhikkhunī wash, dye (or comb) articles made out of wool. However if the article is a monks robe made out of wool, or his sitting-mat made from wool, and the article has already been used at least once, then there may be an offence under *nissaggiya pācittiya* 4.

A bhikkhunī is a nun who has been given *upasampadā* in the midst of the bhikkhunī Saṅgha as well as in the midst of the bhikkhu Saṅgha. When she has been given *upasampadā* 'on one side', i.e. just in the bhikkhunī Saṅgha, then the offence is a *dukkata*. There is no offence for having wool washed, dyed or combed by a *sikkhamānā*, *sāmaṇerī* or any other woman staying in the monastery (such as a 'Maa Chee' for example) even when they are not relations.

As explained in *nissaggiya pācittiya* 4 above, the meaning of 'relation' is not clear. The Samantapāsādikā explains that it means any descendant of one's 128 great-great-great-great great grandparents but this seems unlikely. It certainly does not include the monk's former wife or his 'in-laws'. Once again, it is recommended here that only those relations by blood with whom ties of kinship are actually felt should be regarded as 'relations'.

When the unrelated bhikkhunī is made to perform just one of the tasks of washing, dyeing or combing then the monk incurs one *nissaggiya pācittiya*. When she is made to perform any two of the tasks, the offence is one *nissaggiya pācittiya* plus one *dukkata*. When she is made to do all three tasks, washing and dyeing and combing the wool, then the monk incurs one *nissaggiya pācittiya* and two *dukkatas*. In each case, the monk has to forfeit the wool to a Saṅgha, to a group of monks or to one monk, and then confess the offence(s). The wool should then be returned to him, not to do so being a *dukkata*. He may then use that wool as he pleases because in itself it is not an unallowable item for a monk to use.

Having wool washed, dyed or combed means asking or ordering her to do so. When she washes or dyes or combs the wool on her own initiative, then there is no offence.

NISSAGGIYA PĀCITTIYA 18

The Story

This incident occurred when the Buddha was residing at Rājagaha in the Bamboo Grove monastery, at the 'squirrels' feeding place'.

At this time, Ven. Upananda used to visit a certain family regularly for alms food. One evening, the householder of that family put aside some meat in order to offer it to Ven. Upananda on the following morning. During that night, though, the householder's son awoke crying, "Give me meat! Give me meat!" and so the householder gave the meat intended for Ven. Upananda to his son instead.

In the morning, Ven. Upananda, taking his bowl and robe, went to that family for almsfood and sat down on the appointed seat. The householder approached Ven. Upananda and apologized for having no almsfood to give him, explaining that the meat intended as almsfood had been given to his son instead. The householder, desiring to offer something else in place of the meat, asked Ven. Upananda, "Is there anything I might offer to you, Venerable sir, for the worth of a *kahāpana?*"

> "Are you making a gift of a *kahāpana* to me, Sir?" asked the monk.
>
> "Yes, Venerable Sir, that is the offering that I am making", the householder replied.
>
> "In that case, give me the *kahāpana*, Sir!" demanded the monk, and the householder gave him the money.

Then that householder, disheartened, disillusioned and disgusted, complained to his friends saying, "Just as we laypeople accept money, so too do these *samaṇas*, the Buddhist monks!"

When the monks of few desires heard the laypeople's criticism, they also complained, "How can this Ven. Upananda accept money?" and they told the matter to the Buddha. The Buddha admonished Ven Upananda and then established the following rule:

Accepting gold or money for oneself is a nissaggiya pācittiya.

Gold and Money (*jātarūparajata*)

The offence of *nissaggiya pācittiya* here concerns '*jātarūpa-rajata*' and these two terms are defined as follows:

- '*Jātarūpa*' means gold of any sort.
- '*Rajata*' can mean silver in other contexts but here it is not defined as such. The Vibhaṅga explains the meaning of *rajata* as 'the *kahāpana*, the *māsaka* made of metal, the *māsaka* of wood, the *māsaka* of *lac*, whatever is used in businesses'. The Samantapāsādikā (VA 689) further explains *rajata* to include 'coin' made from bone, leather or seeds, whether an imprint has been fixed upon them or not, which are used in that place as a medium of exchange. From this, it is clear that *rajata* has the exact meaning of the word 'money'[42]

Therefore, the combination *jātarūpa-rajata* means 'Gold-Money'. The Vibhaṅga mentions three ways in which a monk might come to possess gold or money:

a) Receiving it himself
b) Having someone else receive and hold it for him
c) Agreeing to be the owner of gold or money given indirectly

a) Receiving the Gold or Money Himself

Unfortunately, this phrase is not explained in sufficient detail either in the Vibhaṅga or in the Samantapāsādikā. Here, it is understood to mean that the monk receives the gold or money by means of his body or something connected to his body. For example, he picks up money lying on the ground thinking it to be ownerless (*paṃsukūla*), he receives an envelope containing a gift of money into his hand, he receives an offering of money on a cloth that he is holding, or he receives a gift made of gold in the alms bowl that he is carrying – these are all cases of 'Receiving the gold or money himself', and when the money is meant for himself he incurs a *nissaggiya pācittiya*.

[42] Money: Current medium of exchange in form of portable pieces of stamped metal, this and promissory documents representing it, especially government and bank notes – O.E.D.

b) Having Someone Else Receive and Hold the Gold or Money for Him

This means the monk accepts the gold or money as his own property by arranging for someone else to receive and hold it on his behalf. For instance, a donor brings some money to offer to a monk, the monk does not receive the gift himself but tells the donor, "Give the money to my steward for me" or "Put it over there for me" or "Deposit it in my bank account", or instead the monk tells a monastery helper, "Go and receive the money from that donor for me" or "Pick up that money over there which is left for me" or "Take the money from the donor and put it in my bank account" – each of these are examples of 'Having someone else receive and hold the gold or money for him'. In summary, when a monk intends the gold or money to become his own property and he makes a statement, either to the donor or to a steward, which amounts to a command to take the gold or money and keep it on his behalf, the monk incurs a *nissaggiya pācittiya* for 'Having someone else receive and hold the gold or money for him'.

However, as explained in the 10th *nissaggiya pācittiya* above, as long as the monk's words fall short of a 'command' then there is no offence. Moreover, the donation, still the property of the original donor, is properly received by the steward and may be made use of in the appropriate way for the benefit of the monk. For example, a donor offers some money to a monk who refuses to receive it himself but tells the donor, "You may speak to my steward, the layman sitting over there, about it"; or a donor leaves some money on a table and departs, and the monk informs the steward saying, "Someone has left some money on that table and they desired that it be used for my benefit. Do what you think is appropriate" – then each of these two examples fall short of a command to pick up the money and so if the steward does receive the money, on behalf of the donor, then the monk incurs no offence.

c) Agreeing to Be the Owner of Gold or Money Given Indirectly

Gold or money given indirectly refers to such situations as:

- When a donor places gold or money nearby to a monk and says to him, "This is for you" (from the Vibhaṅga)
- When a donor tells the monk, "In such a place is gold or money of mine, I give it to you" (from the Kaṅkhāvitaraṇī, page 71)
- When the donor deposits gold or money with a layperson, or in an institution such as a bank, and tells the monk, "That is yours (adapted from the Kaṅkhāvitaraṇī, page 71)

When a donor attempts to give gold or money to a monk indirectly, the monk should reject the gift, because a monk may not own gold or money. The monk should reject the donation by any one of the 'three doors' (speech body or mind); that is, he should refuse the gold or money saying something like, "This is not allowable" or "Monks do not accept gold or money, not even in this way" (which is rejection by the 'speech door'); or he should refuse it by a gesture, such as by waving his hand in the manner which is understood as meaning 'No!' (which is rejection by the 'body door'; or he should refuse it in his mind by making a clear resolution, such as by clearly thinking, "This is unallowable" or "I do not agree to this" (which is rejection by the 'mind

door'). When a monk fails to reject gold or money given to him indirectly, not refusing it by speech nor by gesture nor by a mental resolve, then this is 'Agreeing to be the owner of gold or money given indirectly and he incurs a *nissaggiya pācittiya.* For example, a layman leaves some money next to where a monk is sitting, having informed the monk that it is a donation for him, and the monk says nothing, does nothing and joyfully contemplates all the things he will have his steward buy for him with the money, never once formulating a mental resolve to reject the money, then this monk has 'Agreed to be the owner of gold or money given indirectly', and he has to forfeit the money and confess the offence. Another example, a monk is told that he has inherited some money, held by the lawyers, and he does not reject ownership of the money by speech nor by gesture nor by a mental resolve – then he incurs a *nissaggiya pācittiya* for 'Agreeing to be the owner of gold or money given indirectly'. However, if the monk does reject ownership of the money by telling the lawyers that a monk may not own gold or money, adding the suggestion that even so, the inheritance may be established as a fund held by a steward, the money being still considered the property of the benefactor, to be used for the benefit of the monk – then he incurs no offence. Moreover, if the lawyers follow the suggestion, then the monk may make use of that Personal Fund in the way explained under *nissaggiya pācittiya* 10 above.

Even though rejecting the gold or money mentally is enough to be free of an offence, it would be better to refuse all gold or money offered in this manner by saying something to the donor, in order that he will clearly understand that a monk may not own gold or money by any means, and so that he will be discouraged from attempting such an offering again. Moreover, the donor's faith is likely to increase when he sees a monk caring more about the Vinaya than he does about money.

The Offence of *Nissaggiya Pācittiya* and the Methods of Forfeiture

When a monk accepts gold or money for himself in any of these ways then he incurs a *nissaggiya pācittiya.* Unlike the previous rules in this section, the forfeiture must be made to a Saṅgha, which is a group of four or more monks. It is the tradition that one speaks a certain Pāli formula when one forfeits the gold or money and this can be found in such books as *A Bhikkhu Manual – Vinaya Notes*. After the offending monk has forfeited the gold or money to the Saṅgha, then he should confess the offence with another competent monk.

Gold and money are, by their nature, unallowable to any monk and therefore the forfeited gold or money is not to be returned to the offender. Should a layperson be present, or be passing by, then the monks may call him over, point out the forfeited gold or money, and say, "Sir, find out about this", or some such similar hint. If that layperson then asks, "What should I get for the Saṅgha with this?" he should be told, "Buy some honey" or "Bring some cloth" or some such similar command. If a monk does 'command' the lay person to purchase a requisite with the forfeited gold or money then this is a case of 'Wrong Procedure' (*dubbicāritattā*) and the monk who ordered the requisite may not make use of it, nor may the original offender, though all the other monks may. However, the monks may inform the lay person about what they are in need of, for example by saying, "The monastery has no honey" or "The monks need new robes and there is no cloth" or by making any other suggestion, which falls short of a command. If the layperson understands the hint, procures an

allowable requisite with the forfeited gold or money, and offers it to the Saṅgha, then all the monks may make use of whatever is offered except the original offender. The Samantapāsādikā (VA 692) goes so far as to say that should lamp-oil be obtained with the forfeited gold or money, then the offending monk may not even use the light of the lamp in which that oil is burned to read a book; or should the forfeited gold or money be used to erect a building, then the offending monk may not even use the shade provided by the walls of that building on a hot day! When the lay person does not understand the monks' hints and suggestions (*kappiyavohāra*), then he should simply be told to take the gold or money away.

When there are no lay people available, then the Saṅgha should choose a suitable monk to dispose of the gold or money. A suitable monk here is one who is not swayed by desire or aversion or stupidity or fear, and who knows the correct way to dispose of the gold or money. The selection of such a monk is ratified by the Saṅgha using a formal resolution (Saṅghakamma) consisting of a motion and one announcement. The Saṅghakamma must fulfil the rules binding on all such formal resolutions, such as the requirement that all the monks within the monastic boundary (*sīmā*) be present or else have sent their consent (*chanda*). The monk chosen should take the forfeited gold or money to a suitable place and throw it away without taking note of where it falls. The Samantapāsādikā (VA 693) recommends that 'closing his eyes, he should throw the gold or money into a river, or over a cliff, or into a jungle thicket, without paying the slightest attention to where it falls, disinterested as if it were excrement'.

When a monk has accepted gold or money for himself, thereby incurring a *nissaggiya pācittiya*, but his gold or money is in the hands of a steward who holds it on the monk's behalf, then the monk should instruct the steward to bring the gold or money and forfeit it to the Saṅgha, or else the monk should take his gold or money from the steward and forfeit it to the Saṅgha himself. However he manages it, the gold or money should be forfeited to the Saṅgha before it is given away to any lay person. When a monk has accepted gold or money for himself but he is no longer in possession of that gold or money, for example it is lost or stolen he should then inform the Saṅgha and just confess the offence with another monk, no forfeiture being possible. It should be remembered that this 18th *nissaggiya pācittiya* concerns a monk becoming the owner of gold or money and therefore in most situations he should be able to arrange for that which he owns to be forfeited to the Saṅgha.

Lesser Offences 1: Accepting Gold or Money for the Sake of Another

Receiving gold or money, or having it received, or agreeing to it being given indirectly, is a *nissaggiya pācittiya* only when the monk intends that gold or money to be for his own use.

Receiving gold or money, or having it received, for the sake of another is said by the Samantapāsādikā (VA 677, 690, 881) to result in a *dukkata*. However, the Samantapāsādikā seems to be in error on this point. A close examination of *pācittiya* 84 shows that receiving '*ratana*', a term which includes gold (*jātarūpa*) and money (*rajata*), or having it received, for the sake of another is a *pācittiya!* (An exception is made when the '*ratana*' is found by a monk in a monastery or in a house and he

receives it or has it received with the intention of keeping it safe until it can be returned to its owner). For the sake of another means for another individual (lay or monastic), for a group of individuals, for a Saṅgha, or for an impersonal body such as 'The *Cetiya* Fund' – whether the group of individuals or the Saṅgha include the offending monk or not is irrelevant to the offence. Thus, for example, receiving a donation of cash on behalf of the Saṅgha is a *pācittiya* for 'Receiving *Ratana*', as is receiving money intending to give it to one's poor parents; and saying to a donor who offers a gift of money for the monastery building fund, "Give it to the treasurer" is also a *pācittiya* for 'Having *Ratana* Received'.

Neither the Vinayapiṭaka nor the Samantapāsādikā say what should be done with the gold or money received or caused to be received for the sake of another. However, it seems appropriate that when the beneficiary is not a monk, nor a group of monks, nor a Saṅgha of monks, then the gold or money should be handed over to the beneficiary and the *pācittiya* confessed with another monk. When the beneficiary is another monk, a group of monks, or a Saṅgha of monks, then the offending monk should inform a competent steward about the matter so that the donation can become a properly deposited fund for the use of the beneficiaries as the donor intended, but if this is not practicable then he should return the gift to the donor. In these cases, the gold or money should not be given away to the first lay person who comes by, nor should it be thrown away, for the reason that the gold or money remains the property of the original donor until such time as it is used to fulfil the donor's intentions.

Agreeing to gold or money being given indirectly for the sake of another – for example, consenting to cash being left nearby when it is for the monastery building fund – is not mentioned in any text and therefore it cannot be an offence.

Lesser Offences 2: Accepting Gems or Jewellery

The Samantpāsādikā introduces a class of articles called '*dukkaṭa-vatthu*' in which it includes such items as pearls (*muttā*), gems (*maṇi*), shells (*saṅkha*), stones (*silā*), coral (*pavāla*), ruby (*lohitaṅka*) and other precious stones, unhusked grains, raw meat, slaves, farms, orchards and livestock, adding that a monk who accepts such things for himself or for the sake of another incurs a *dukkata* (VA 690). Here again the Samantapāsādikā appears to be in error. This is because some of the items in this list, in particular pearls, gems, shells, stones, coral and rubies, are also examples of '*ratana*' as defined in the Vibhaṅga of *pācittiya* 84 and, according to that rule, receiving such *ratana* or causing it to be received, for oneself or for the sake of another is a *pācittiya*! (Except when such *ratana* is found by a monk in a monastery or in a house and he receives it or has it received with the intention of keeping it safe until it can be returned to its owner.) Further, receiving or causing to be received, for oneself or for another, other items listed by the Samantapāsādikā as *dukkata-vatthu*, such as unhusked grains or raw meat, is nowhere in the Vinayapiṭaka stated to be an offence! When the Samantapāsādikā expounds a ruling which is in such plain contradiction to the Vinayapiṭaka, then that ruling has to be dismissed.

So, disregarding the Samantapāsādikā on this point and following the Vibhaṅga of *pācittiya* 84, receiving or causing to be received gems or jewellery, for oneself or for the sake of another, is a *pācittiya* (except when these are found by a monk in a

monastery or in a house and he receives them or has them received with the intention of keeping them safe until they can be returned to their owner). Agreeing to gems or jewellery being given indirectly is nowhere said to be an offence.

Lesser Offence 3: Accepting Gold or Money – Unknowingly – Unintentionally

The Vinayapiṭaka clearly states that a monk who intentionally accepts an article for his own use, not knowing that it is gold or money or that it contains gold or money, still incurs a *nissaggiya pācittiya*. For example, a donor puts money in a package of requisites which he offers to a monk after a ceremony. The monk, not realizing that the gift contains money, accepts the package for his own use. The act of accepting was intentional and therefore, even though he did not perceive that the gift contained gold or money, he still incurs a *nissaggiya pācittiya*.

However, a monk who unintentionally receives an article which is gold or money, or which contains gold or money, incurs no offence. For example, when a monk's attention is elsewhere a donor slips some money into his alms bowl. When the monk discovers the money in his bow, he tells a lay attendant to take the money away and do as he sees fit with it. The monk incurs no offence because the act of receiving was unintentional (cf. *pārājika* 2, Vibhaṅga 2.7.26).

The Vinayapiṭaka also states that a monk who intentionally accepts an article for his own use, thinking that it is gold or money or that it might be gold or money, when it turns out not to be gold or money incurs a *dukkata*.

Nothing is said in the texts concerning intentionally receiving an article for the sake of another not knowing that it is gold or money, nor is anything said in the texts concerning intentionally accepting an article, either for one's own use or for the sake of another, not knowing that it is a gem or jewellery.

Cheques, Credit Cards and Other 'Potential Money'

This *nissaggiya pācittiya* concerns gold or money where money (*rajata*) is that which is used for buying and selling (*ye vohāraṃ gacchanti*). Cheques, credit cards and travellers cheques are not the same as money. Money, in the context of this rule, is something which is commonly negotiable, something that one can take in to almost any shop and, without any further 'ink-work' or paperwork, exchange it for whatever one desires. Cheques, completed or blank, credit cards and travellers cheques do not fit into the category[43]. For example:

> A completed cheque, such as one made out to British Airways say, is not negotiable for it can only be used to purchase something from the payee, British Airways – it is no different than a postage stamp which is used to purchase the passage of a letter from the postal authorities. Even when a completed cheque is

[43] Ed: Ongoing changes in the use of credit cards make them less readily distinguishable from cash. The technology of electronic funds transfer at point of sale (EFTPOS) and electronic credit in current use tends to diminish the distinction between the use of cash and credit cards.

> made out in one's own name, or to cash, it is still not commonly negotiable – it has to be taken into a bank and exchanged for money first before it can be of use.
>
> A cheque which is not fully completed is also not negotiable as it stands – a blank cheque is like a steward, you can take both into a shop but you can only obtain what you desire after filling out the cheque or instructing the steward. A credit card is similar to a blank cheque: you still have to send out an instruction to the bank in order to purchase an item. Travellers cheques are also different from money because, in most countries, they cannot simply be taken into a shop and traded for an article, but they have to be cashed at an authorized office or bank first.

Cheques, credit cards, travellers cheques and things similar are 'potential money' but, because they are not commonly negotiable as they stand, they fall short of being 'gold or money' (*jārarūparajata*). Thus there is no offence for receiving any of these things under this rule. However, a monk who cashes a cheque or a travellers cheque would incur an offence under *nissaggiya pācittiya* 19, a monk who buys an item using a cheque or credit card drawing on his own account incurs an offence under *nissaggiya pācittiya* 20, and a monk who fills out a cheque drawing on a Personal Fund or on a Saṅgha Fund incurs a *dukkata* for 'commanding' the Fund (VA 698).

Minor Points

A monk who possesses gold or money which he obtained as a layman before he was ordained as a monk incurs no offence. This 18th *nissaggiya pācittiya* is about accepting gold or money not about possessing it. However, the new monk will not himself be able to use that gold or money to buy things because this would be an offence under the 20th *nissaggiya pācittiya*. It is advisable, therefore, that before his ordination he arranges for the gold or money to become a properly deposited Personal Fund held by a competent steward (see under *nissaggiya pācittiya* 10) or else give the gold or money away.

According to the Vinayapiṭaka there are only two occasions when a monk is permitted to receive gold or money:

1. When it is found by him in a monastery or in a house and he receives it with the intention to keep it safe until it can be returned to its owner.
2. When the gold or money has been forfeited to the Saṅgha as a consequence of another monk breaking the 18th or 19th *nissaggiya pācittiya* and he has been selected by that Saṅgha using a formal resolution (Saṅghakamma) as the one to dispose of that forfeited gold or money.

What the Suttas Say About Accepting Gold or Money

The non-acceptance of money has always been one of the fundamental observances of those who have left the world. Money is the measure of wealth and to many people material wealth is the goal of life. In the monk's renunciation of money he

emphatically demonstrates his complete rejection of worldly pursuits. At one stroke he sets himself significantly apart from the vast majority of people and becomes a constant reminder to all that a life based on the struggle to accumulate money is not the only way to live. Through giving up money he gives up much of his power to manipulate the world and to satisfy his desires. Thus, as the Buddha said in the Saṃyutta Nikāya:

> *Yassa kho gāmaṇi jātarūparajataṃ kappati, pañcapi kāmaguṇā kappanti; yassa pañca kāmaguṇā kappanti ekaṃsen' etaṃ gāmaṇi dhāreyyāsi: asamaṇadhammo asakyaputtiyadhammo ti.*

> Whoever agrees to gold or money, headman, also agrees to the five strands of sensual pleasure, and whoever agrees to the five strands of sensual pleasure, headman, you can take it for certain that this is not the way of a recluse, that this is not the way of a Buddhist monk.[44]

A monk who does not accept money inspires great faith in Buddhism amongst the laypeople. According to the following quote he is likened unto a 'shining example' – whereas the monk who does accept money is likened unto a 'blemish' or a 'stain':

> Monks, there are these four stains because of which the sun and moon glow not, shine not, blaze not. What are these four? Rain clouds… snow clouds… smoke and dust… and an eclipse. Even so, monks, there are these four stains because of which *samaṇas* and *brahmins* [which category includes Buddhist monks] glow not, shine not, blaze not. What are these four? Drinking alcohol… committing sexual intercourse… accepting gold or money… obtaining requisites through a wrong mode of livelihood [see *saṅghādisesa* 13 above]. These are the four stains, monks, because of which *samaṇas* and *brahmins* glow not, shine not.[45]

NISSAGGIYA PĀCITTIYA 19

The Story

This incident occurred when the Buddha was residing at Sāvatthī in the Jeta Grove, in Anāthapiṇḍika's monastery.

At this time some of the group of the six monks engaged in various transactions with gold or money. Lay people saw this and, thinking all monks did the same, complained saying, "How can these Buddhist monks engage in various transactions with gold or money? They are behaving no different than we laypeople who enjoy worldly pleasures!"

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[44] Saṃyutta Nikāya XLII 10.8, my translation.

[45] Aṅguttara Nikāya IV 50. See also Cullavagga 12.1.4, my translation.

When the monks of few desires heard the laypeople's criticism they also complained, "How can this group of the six monks engage in various transactions with gold or money?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks if the report was true. Having been told that it was true, the Buddha admonished the group of the six monks and then established the following rule:

Exchanging anything of one's own for gold or money is a nissaggiya pācittiya.

On The Interpretation of This Rule

The Vibhaṅga's explanation of this rule can be a bit puzzling. It seems at first to restrict the offence of *nissaggiya pācittiya* to a monk who exchanges one form of gold or money for another form of gold or money, for example changing a $10 banknote for ten $1 coins. However, towards the end of the Vibhaṅga's explanation one finds the Pāli phrase, *arūpiye arūpiyasaññī rūpiyaṃ cetāpeti nissaggiyaṃ pācittiyaṃ*, for example exchanging a bag of sugar for $10. Thus, according to the Vinayapiṭaka this 19th *pācittiya* covers any transaction where the end product is gold or money.

This is not the interpretation of the Samantapāsādikā though. The Samantapāsādikā attempts to extend this rule to include a monk who exchanges gold or money for something other than gold or money, i.e. 'buying'. For example, the Samantapāsādikā would say that a monk who hands over $50 in exchange for a new robe also incurs a *nissaggiya pācittiya* under this rule.

Unfortunately there is no support in the Vinayapiṭaka for the Samantapāsādikā's interpretation. Instead there is convincing evidence to show that this 19th *nissaggiya pācittiya* only concerns transactions where the end product is gold or money; when the Vibhaṅga of this rule explains in detail how the end product of the transaction is to be forfeited it only refers to *rūpiyaṃ* (gold and money) being forfeited! Thus is it clear that this 19th *nissaggiya pācittiya* only extends to transactions where the end product is gold or money. The interpretation of the Samantapāsādikā must therefore be dismissed on the ground that it is contrary to the Vinayapiṭaka. Instead, the case of 'buying', exchanging gold or money for something other than god or money, can be included, with support from the Vinayapiṭaka, in the following rule, *nissaggiya pācittiya* 20, as will be seen there.

The Offence of *Nissaggiya Pācittiya*

This rule concerns a monk who hands over something of his in exchange for '*rūpiyaṃ*'. The Vibhaṅga defines *rūpiyaṃ* in precisely the same terms as *jātarūparajataṃ* of 18. Therefore *rūpiyaṃ* means gold or money.

The Offence of *Nissaggiya Pācittiya*

A monk who exchanges anything of his own for gold or money incurs a *nissaggiya pācittiya.* For example:

- A monk who changes US $100 for the equivalent in Sri Lankan Rupees incurs a *nissaggiya pācittiya* under this rule.

- A monk who hands over 1000 Thai Baht for an ornament of gold incurs a *nissaggiya pācittiya* under this rule.

- A monk who sells a nugget of gold for AUS $100 incurs a *nissaggiya pācittiya* under this rule.

- A monk who sells his own bowl for £15 incurs a *nissaggiya pācittiya* under this rule.

- A monk who trades his robe for a golden ring incurs a *nissaggiya pācittiya* under this rule.

- A monk who trades a cheque made out to DM100 for 100 Deutsche Marks in cash incurs a *nissaggiya pācittiya* under this rule.

- A monk who cashes a travellers cheque for 1000 Francs in exchange for ten 100 Franc notes incurs a *nissaggiya pācittiya* under this rule.

In summary, when a monk exchanges something of his own, gold or money or anything else, for gold or money then he incurs an offence of *nissaggiya pācittiya* under this 19th *nissaggiya pācittiya* rule.

The Methods of Forfeiture

When a monk exchanges something of his own for gold or money he incurs a *nissaggiya pācittiya.* As with the previous rule, the gold or money must be forfeited to a Saṅgha, that is to a group of four or more monks. It is the tradition that one speaks a certain Pāli formula when one forfeits the gold or money obtained through a transaction and this can be found in such books as *A Bhikkhu Manual-Vinaya Notes*. After the offending monk has forfeited the gold or money to the Saṅgha, then he should confess the offence with another competent monk.

Gold and money are, by their nature, unallowable to any monk and therefore the forfeited gold or money is not to be returned to the offender. Should a layperson be present, or be passing by, then the monks may call him over, point out the forfeited gold or money and say, “Sir, find out about this” or some such similar hint. If that layperson then asks, “What should I get for the Saṅgha with this?” he should not be told, “Buy some sugar” or “Buy an alms bowl” or some such similar command. If a monk does ‘command’ the layperson to purchase a requisite with the forfeited gold or money then this is a case of “Wrong Procedure’ (*dubbicāritattā*) and the monk who ordered the requisite may not make use of it, nor may the original offender, though all other monks may. However, the monks may inform the layperson about anything

they are in need of, for example by saying, "The monastery has no robe material" or "Some of the monks are in need of vitamins" or whatever else is a suggestion which falls short of a command. If the layperson understands the hint, procures an allowable requisite with the forfeited gold or money, and offers it to the Saṅgha, then all the monks may make use of whatever is offered except the original offender. When the layperson does not understand the monks' hints (*kappiyavohāra*) then he should simply be told to take the forfeited gold or money away.

When there are no laypeople available, then the Saṅgha should choose a suitable monk to dispose of the gold or money. A suitable monk here is one who is not swayed by desire or aversion or stupidity or fear, and who knows the correct way to dispose of the gold or money. The selection of such a monk is ratified by the Saṅgha using a formal resolution (Saṅghakamma) consisting of a motion and one announcement. The Saṅghakamma must fulfil the rules binding on all such formal resolutions, such as the requirement that all the monks within the monastic boundary (*sīmā*) be present or else have sent their consent (*chanda*). The monk chosen should take the forfeited gold or money to a suitable place and throw it away without taking note of where it falls. The Samantpāsādikā (VA 693) recommends that, "Closing his eyes, he should throw the gold or money into a river, or over a cliff, it into a jungle thicket, without paying the slightest attention to where it falls, disinterested as if it were excrement!"

When a monk has exchanged something of his own for gold or money but he is no longer in possession of that gold or money, for example it is lost or stolen, he should then inform the Saṅgha and just confess the offence with another monk, no forfeiture being possible.

Having Another Exchange Something of One's Own for Gold or Money

A monk who has another person perform such a transaction on his behalf incurs a *nissaggiya pācittiya* when he receives his gold or money, just as if he had performed the transaction himself. He has to forfeit the gold or money to the Saṅgha in the way described above and then confess an offence of *nissaggiya pācittiya* with a competent monk.

Exchanging Something of One's Own for Gems or Jewellery

A transaction made by a monk in which the end product he receives is gems or jewellery falls outside *nissaggiya pācittiya* 19 and also outside *nissaggiya pācittiya* 20 (as these are explained in the Vinayapiṭaka). However, when the monk receives his gems or jewellery, or has them received, he incurs a *pācittiya* under *pācittiya* 84. Although in that rule no forfeiture is mentioned, the gems or the jewellery may not be kept by that monk. Gems and jewellery, like gold or money, are inappropriate things for a monk to possess. They will have to be relinquished though the way is not explained. Perhaps they should be given away to the first layperson that passes and treated like forfeited gold or money given to a layperson as described above, but if this is not possible maybe they should be thrown away over a cliff or in a river for example not taking note of where they fall.

NISSAGGIYA PĀCITTIYA 20

The Story

This incident occurred when the Buddha was residing at Sāvatthī in the Jeta Grove, in Anāthapiṇḍika's monastery.

At this time Ven. Upananda was skilled at making robes and he had just sewn and dyed an attractive looking *saṅghāṭi* out of pieces of discarded rags. A wandering ascetic (*paribbājaka*) saw Ven. Upananda wearing the becoming *saṅghāṭi* and wanted it for himself. So the wandering ascetic approached Ven. Upananda and offered to exchange the robe that he was wearing, which was a good quality cloth of great worth, with Ven. Upananda's comely *saṅghāṭi* made from rags and scraps.

"Are you sure that you want to trade robes?" Ven. Upananda asked.

"Yes, I am sure", replied the wandering ascetic and so they exchanged robes.

Shortly after, the wandering ascetic began to regret what he had done. He was reminded by his fellow wandering ascetics that the good quality cloth of great worth that he had given away would have lasted much longer than the *saṅghāṭi* of rags that he had got in exchange. So the wandering ascetic went back to Ven. Upananda and asked to return the *saṅghāṭi* of rags and get his old good quality cloth back again.

"Did I not ask you at the time if you were sure?" said Ven. Upananda.

"Yes, but… ", replied the wandering ascetic.

"Then I will not give back the good quality cloth!" and Ven. Upananda ended the conversation.

The wandering ascetic became angry and upset and began complaining to others saying, "Even householders return goods obtained in trade when one of the parties is later dissatisfied. So how could one gone forth refuse to do so?"

When the monks of few desires heard the criticism, they also complained, "How can this Ven. Upananda engage in such trade with a wandering ascetic?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked Ven. Upananda if the report was true. Having been told that it was true, the Buddha admonished Ven. Upanada and then established the following rule:

> *Exchanging anything of one's own for something other than gold or money is a nissaggiya pācittiya.*

On the Interpretation of this Rule

The Vibhaṅga's explanation of this rule is a little unclear. At first glance it appears to restrict this rule to transactions in which only things other than gold or money are involved, i.e. only to bartering. However there are indications that this rule also includes exchanging gold or money for something other than gold or money, i.e. 'buying'. Just as in the previous rule the Vibhaṅga's definition of the key term *nānappakārakaṃ* as being the various forms of gold or money was shown to refer only to the end product of the transaction, so it is reasonable to infer that in this rule the Vibhaṅga's definition of *nānappakārkaṃ* as being the various types of monks' requisites again only refers to the end product of the transaction. Thus this *nissaggiya pācittiya* 20 seems to cover any transaction where the end product is anything other than gold or money.

There is nothing in the Vibhaṅga's explanation of *nissaggiya pācittiya* 20 which contradicts this interpretation. Moreover there are some other phrases which seem to confirm that buying as well as bartering is meant to be included; the Vibhaṅga gives examples of the sort of transactions included under this rule using the Pāli, "*iminā imaṃ dehi, iminā imaṃ āhara, iminā imaṃ parivattehi, iminā imaṃ cetāpehi*", which should be compared with the phrase in *nissaggiya pācittiya* 10, "*dehi me cīvaraṃ, parivattehi me cīvaraṃ*" (NP 10.2.1) which refers to ordering a layman to exchange gold or money or gems for a robe, i.e. to buying a robe. Furthermore, the *anāpatti* clause which gives no offence to a monk who asks how much money something is worth (*anāpatti agghaṃ pucchati*) also points to purchases with gold or money. These then are the grounds for the interpretation presented here, namely that *nissaggiya pācittiya* 20 refers to any transaction in which the end product is other than gold or money, i.e. buying as well as bartering.

The Samantapāsādikā explains this rule differently, stating that it only concerns bartering whereas buying is included in the 19th *nissaggiya pācittiya*. However, as I argued in my explanation of the previous rule, there is no ground in Vinayapiṭaka for stating that buying is included under *nissaggiya pācittiya* 19. Moreover, as I have argued in the two previous paragraphs above, it seems that buying is meant to be included under *nissaggiya pācittiya* 20. (In both interpretations buying is always an offence of *nissaggiya pācittiya*, but there are important differences in the method of forfeiture of whatever was bought.) Therefore here, *nissaggiya pācittiya* 20 refers to exchanging anything of one's own for something other than gold or money, to both bartering and buying.

The Offence of *Nissaggiya Pācittiya*

A monk who exchanges anything of his own, gold or money or something else, for something other than gold or money incurs a *nissaggiya pācittiya* under this rule. The Vibhaṅga further defines the exchange as 'one's own goods gone to the hands of another, another's goods gone to one's own hands':

- A monk who hands over $2 for an orange juice drink in a café incurs a *nissaggiya pācittiya* under this rule.

- A monk who exchanges his gold pendant for an alarm clock in a market incurs a *nissaggiya pācittiya* under this rule.

- A monk who barters his spare alms bowl for a robe in a shop incurs a *nissaggiya pācittiya* under this rule.

- A monk who trades his excess sugar with a layman for some tea incurs a *nissaggiya pācittiya* under this rule.

According to *nissaggiya pācittiya* 5 there is no offence for exchanging robes, or robe material, with another Buddhist monk, bhikkhunī, female probationer (*sikkhamānā*), female novice (*sāmaṇerī*) or male novice (*sāmaṇera*). It seems reasonable to extend this allowance to permit the exchange of other monks' requisites, e.g. bowls and medicines, within the same group of fellow monastics.

The Method of Forfeiture

When a monk exchanges anything of his own for something other than gold or money he incurs a *nissaggiya pācittiya*. He has to forfeit the article to a Saṅgha (a group of four or more monks), to a smaller group of monks, or to an individual monk – he would normally choose to forfeit the article to a single monk. It is the tradition that one speaks a certain Pāli formula when one forfeits the article and this Pāli formula can be found in such books as *A Bhikkhu Manual – Vinaya Notes*. After the offending monk has forfeited the article he should confess his offence with a competent monk. Because the article received in the original exchange is something other than gold or money, that is it is not an item prohibited for monks, the forfeited article should be returned to the original offender – not to return the article would be a *dukkata*.

When the forfeited article has been purchased by the monk using gold or money, then it still has to be returned to the offending monk. However, after the ceremonial forfeiture required by the Vinaya has been completed it may be appropriate, according to the circumstances, that the offending monk be encouraged by his fellow monks to relinquish once again the article that he bought but this time for good, such as giving it away to a passing layman perhaps, although this is extra to what is stated in the Vinayapiṭaka.

When the end product of the transaction has been lost or destroyed, for example when it has already been eaten by the offending monk, then he should just confess the offence with a competent monk, no forfeiture being possible. However, in line with other rules found in this section (e.g. *nissaggiya pācittiya* 1.4 and *nissaggiya pācittiya* 2.3.18) it is likely that the monk would incur a further offence of *dukkata* for 'making use' of an article which should have been forfeited.

The method of forfeiture when the end product of the transaction is 'gems or jewellery' has already been explained under the previous rule. Such a transaction belongs to the 19th *nissaggiya pācittiya* rather than here.

Having Another Make the Transaction

The *anāpatti* clause in the Vibhaṅga of this rule states that there is no offence when a monk just informs a lay-attendant about something he needs (*kappiyakārakassa ācikkhati*, i.e. the use of *ācikkhati* at *nissaggiya pācittiya* 18.2) saying, "This article is mine but I have need of this and that". Thus a monk incurs no offence when he makes such a hint, or other suggestions which fall short of a command, to a clever lay attendant who then makes the exchange on behalf of the monk.

This does imply strongly that a monk who goes further than dropping a hint and makes a 'command' for someone else to perform the transaction on his behalf incurs a *nissaggiya pācittiya* under this rule. Thus 'Having another Make the Transaction' results in the same penalties just as if the monk had made the exchange himself.

Buying With a Cheque or Credit Card

When a monk purchases an item for his own use with a cheque or credit card, drawing on an account belonging to him, then this is a case of 'Having Another (the bank holding his money) Make the Transaction' and he incurs a *nissaggiya pācittiya* under this rule. Writing out the cheque, or signing the required form when using a credit card, is ordering another (the bank) to hand over some of one's money in exchange for what is purchased. As the Vibhaṅga of this rule states, the transaction is made when 'one's own goods have gone to the hands of another, another's goods have gone to one's own hands'. Any article purchased in this way will have to be forfeited and an offence of *nissaggiya pācittiya* confessed with a competent monk.

However, when a monk purchases an item for his own use with a completed cheque, drawing on an account not belonging to him, then he incurs no offence under this rule. For example, should a monk be given a cheque made out to Thai Airways for AUS $800, written out by his mother and drawing on her account and, taking the cheque to the airline office, the monk exchanges it for an airline ticket – Perth to Bangkok economy return, then he incurs no offence. Again, to be an offence under this rule, the transaction must be of a type where 'one's own goods go to the hands of another, another's goods go to one's own hands'. In the above example, the monk's mother's goods go to the hands of Thai Airways, Thai Airways' goods go to the monk's hands, and so there is no offence.

When a monk uses a cheque to 'buy money', i.e. he cashes a cheque or a travellers cheque for banknotes or coins, or he draws out cash from an automatic teller using a credit card, then he incurs a *nissaggiya pācittiya* under the previous rule, *nissaggiya pācittiya* 19. Transactions where the end product is gold, money or other unallowable items come under *nissaggiya pācittiya* 19, whereas transactions where the end product is an allowable item come under this rule, *nissaggiya pācittiya* 20.

Personal Funds, Saṅgha Funds, Monastery Funds etc.

As explained under *nissaggiya pācittiya* 10 above, it is allowable for laypeople to establish a Fund, held not by a monk but by a competent lay steward, for the benefit of an individual monk (a Personal Fund) or for a community of monks (a Saṅgha

Fund) or for the benefit of 'Impersonal Bodies' such as a monastery (a Monastery Fund – 'monastery' here referring to land and buildings and not to the inhabitants). Personal Funds and Saṅgha Funds remain the property of the original donors until they are used to fulfil the wishes of the donors, whereas Impersonal Funds such as a Monastery Fund belong to the Impersonal Body.

A monk who 'commands' a Fund such as one of these, that is who has an article purchased by ordering the lay steward holding the Fund, incurs no offence under this rule. 'Commanding a Fund' is not an example of 'Having Another Make the Transaction' because it does not fit the Vibhaṅga's definition of a transaction covered by this rule: 'one's own goods go to the hands of another, another's goods go to one's own hands'. Instead, when a monk 'commands' a Personal Fund or a Saṅgha Fund, the original donors' goods go to the hands of another, another's goods go to the hands of a monk; and when a monk 'commands' an Impersonal Fund such as a Monastery Fund, the monastery's goods go to the hands of another, another's goods go to the monastery – and so such transactions do not come under *nissaggiya pācittiya* 20.

However, when a monk 'commands' a Personal Fund or a Saṅgha Fund, that is he has an item purchased for his own use by ordering the lay steward holding the Fund, then he incurs a *dukkata* under the 10th *nissaggiya pācittiya.* Furthermore, according to the Samantapāsādikā (VA 698), any item obtained in this way may not be used by the offending monk though all other monks may use it as they please. When a monk, authorized by an Impersonal Body, 'commands' their impersonal Fund then he incurs no offence. For example, there is no offence at all for the monk chosen by the local Saṅgha to be in charge of monastery building work and repairs (the *navakammika* monk) when he orders the lay steward holding the Monastery Fund to buy this and that for the building work.

A Summary of the Offences Incurred When Using a Fund and When Using a Cheque

1. A monk who merely informs the lay steward holding his Personal Fund or Saṅgha Fund of something he needs incurs no offence.
2. A monk who orders the lay steward holding his Personal Fund or a Saṅgha Fund saying, for example, "Go buy me some sugar" incurs a *dukkata* for 'commanding' that Fund and he may not use that sugar though all other monks may.
3. The *navakammika* monk tells the lay steward holding the Monastery Fund saying, for example, "Go buy timber" and he incurs no offence.
4. A monk who writes out a cheque drawing on his own account and exchanges it for cash incurs a *nissaggiya pācittiya* under *nissaggiya pācittiya* 19. The cash has to be forfeited to a Saṅgha and then given away to a layman or thrown away 'as if it were excrement'.
5. A monk who writes out a cheque drawing on his own account and buys an allowable item incurs a *nissaggiya pācittiya* under *nissaggiya pācittiya* 20. According to the Samantapāsādikā (VA, page 698), because this monk would also have incurred another *nissaggiya pācittiya* under *nissaggiya pācittiya* 18 for accepting the money in the account as his own, then the item purchased is unallowable for all monks.

6. A monk who writes out a cheque drawing on a Personal Fund or on a Saṅgha Fund and exchanges it for cash incurs a *nissaggiya pācittiya* under *nissaggiya pācittiya* 19. The cash has to be forfeited to a Saṅgha Fund and then given away to a lay person or thrown away.
7. A monk who writes out a cheque drawing on a Personal Fund or on a Saṅgha Fund and uses it to buy an allowable article incurs a *dukkata* for 'commanding' a Fund and he may not use that article though all other monks may.
8. A monk orders a layperson to write out a cheque drawing on a Personal Fund or a Saṅgha Fund to buy an allowable item and he too incurs a *dukkata* for 'commanding' a Fund. He may not use that item though all other monks may.
9. A monk who suggests to a layperson to write out a cheque drawing on a Personal Fund or a Saṅgha Fund and then uses it to buy an allowable article incurs no offence. The article may be used by all monks.
10. The *navakammika* monk who orders a layperson to write out a cheque, or he writes it out himself, drawing on the Monastery Fund and uses it to buy building materials for the monastery incurs no offence.

The Samantapāsādikā's 'Bowl Tetrad'

The Samantapāsādikā (VA 698) gives its own informative example of the offences which can occur when a monk has an allowable item, an alms bowl, purchased in an improper way. Here follows a translation of the Samantapāsādikā's 'Bowl Tetrad':

1. A monk accepts money and with that has iron-ore dug out, smelted and made into an alms bowl. This bowl is completely unallowable (*mahā akappiya*) and cannot be made allowable by any means. Even if it is destroyed and made into a pan, that is unallowable, or if it is made into a machete and used to cut tooth-woods the tooth-woods are unallowable, or having been made into an axe head then milk or water heated using the hot axe-head is unallowable!
2. A monk accepts money and buys a bowl with that. The bowl is unallowable for any monastic, says the Mahāpaccari (an ancient commentary) but it can be made allowable if the money is returned to the original donor and the bowl returned to its former owner. If it is subsequently obtained by that monk through allowable means then he may use the bowl.
3. A monk who has had money received for his own use goes to the iron-workers shop with his lay steward, says "I like that bowl" and the lay steward purchases it with the money and gives it to the monk. This bowl, though purchased through an allowable transaction, is just like the bowl in case 2 above. It is unallowable because the monk had the money received.
4. A monk who has not accepted money goes to the iron workers shop with a lay steward who has been instructed by a donor to buy the monk a bowl. The monk sees a bowl, tells the shop owner to take the money from the lay steward and give him the bowl and thus the monk receives his bowl. This bowl is unallowable only for that monk, because of his 'Wrong Procedure' (*dubbicāritattā*). It is allowable for all other monastics since the monk had not accepted the money (VA 698).

Minor Point

According to the Samantapāsādikā (VA 698) a monk who engages in bartering for personal profit incurs a *dukkata*. One could reasonably extend this to say that a monk who engages in any sort of business for personal profit also incurs a *dukkata*.

NISSAGGIYA PĀCITTIYA 21

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time the group of the six monks amassed a great hoard of alms bowls. When some laypeople were visiting the monastery they saw this great hoard and became annoyed, complaining, "How can these *samaṇas*, the Buddhist monks, amass such a great hoard of alms bowls? Are they going to start an alms bowl business or will they set up a shop?"

When the monks of few desires heard the laypeople's criticism, they also became upset and complained, "How can the group of the six monks keep extra alms bowls?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Having been told that it was so, the Buddha admonished the group of the six monks and then established a rule which prohibited a monk from keeping an extra alms bowl.

At this time, Ven. Ānanda had such great respect for Ven. Sāriputta that whenever he received a fine requisite he would give it to him, and Ven. Sāriputta had such gratitude towards Ven. Ānanda for attending on the Buddha that whenever he acquired a requisite of quality he would give it to Ven. Ānanda. Now Ven. Ānanda acquired a fine alms bowl which he wanted to give to Ven. Sāriputta, but Ven. Sāriputta was away at Sāketa and, because of this rule, Ven. Ānanda could not keep this extra alms bowl until Ven. Sāriputta's return. Ven. Ānanda then went to the Buddha and told him of this. The Buddha then amended the rule to allow a monk to keep an extra alms bowl up to ten days, but no longer.

Keeping an extra alms bowl beyond ten days is a nissaggiya pācittiya.

The Alms Bowl

According to the Vibhaṅga there are three sizes of alms bowl: small, medium and large, the medium size being twice the capacity of the small size, and the large size being four times the capacity of the small size. Unfortunately neither the Vinayapiṭaka nor the Samantapāsādikā give sufficient information for us to work out these sizes in modern units of measurement. However, the Vinayamukha uses a

convincing argument, drawing on a passage in the Dhammapada Commentary, to calculate that the small size alms bowl, when full, contains enough rice and curries to provide a meal for two men, but it is not enough for three, and its size is a little larger than a human skull (Vinayamukha Vol. 2, page 33f). Remembering that monks ate only once a day while lay people ate two or three times, perhaps this small size alms bowl was just big enough to contain the one meal to last the whole day for a monk. A smaller size of alms bowl, obviously, would be of no use to a monk and, indeed, the Vibhaṅga states that anything smaller than its 'small size' of alms bowl is prohibited for use as a monk's alms bowl. By this reckoning, a medium size of alms bowl, when full, would hold enough food for the day for two monks and a large size of alms bowl enough for four monks. The Vibhaṅga also states that anything bigger than its 'large size' of alms bowl is prohibited for use as a monk's alms bowl.

The monk's alms bowl may be made out of clay or iron. Bowls made out of wood (e.g. half a coconut shell), gold, silver, gems, beryl, crystal (probably meaning a bowl adorned with these), bronze, class, tin, lead and copper were all prohibited for use as a monk's alms bowl (Cullavagga 5.8.2 and 5.9.1). Using a human skull for an alms bowl was also prohibited (Cullavagga 5.10.2). According to the Samantapāsādikā, a clay bowl may only be used for a monk's alms bowl when it has been fired at least twice and in an iron bowl when it has been fired at least five times (VA 704).

When a clay bowl has a crack, or an iron bowl has a hole, big enough for a grain of millet to pass through, then it is unusable as a monk's alms bowl. However, the following rule, *nissaggiya pācittiya* 22, clearly shows that a monk with such a damaged bowl should not throw it away but should mend the crack, or plug the hole, so that the repaired bowl becomes usable as his alms bowl once more. After the fifth crack or hole has appeared in his bowl, a monk is allowed to ask anyone for a new alms bowl, but if he can still manage to mend that bowl, no matter how many fixed cracks or plugged holes, then he may still use the repaired bowl as his alms bowl.

Determining for Use (*adhiṭṭhāna*)

A bowl belonging to a monk, made of clay or iron, neither too big nor too small, without a crack or a hole, (all these as explained above), may be 'determined-for-use' by the owner as his alms bowl in either of two ways: 'bodily' or 'verbally' (i.e. just as with cloth requisites). Determining the bowl for use 'bodily' means that the monk grasps or touches the bowl with any part of his body and at the same time he resolves in his mind that this bowl is to be used from now on as his alms bowl. Determining the bowl for use 'verbally' means that he speaks such a resolution out loud, not necessarily touching the bowl, not necessarily being in the same room as the bowl and not necessarily using a set of Pāli formula. As an extreme example of what is allowable, one may determine a bowl for use which is hundreds of miles away by thinking of it and saying, "I will use that as my alms bowl from now on". However, it is advisable to have the bowl nearby and it is customary to use the traditional Pāli stanza '*imaṃ pattaṃ adhiṭṭhāmi*'.

A bowl ceases to be 'determined-for-use' as a monk's alms bowl for any one of the following nine causes:

1. The bowl is given to another (which includes when it is forfeited as a consequence of committing a *nissaggiya pācittiya*).
2. The bowl is stolen, lost or destroyed.
3. The bowl is taken by another monastic 'on trust' (*vissāsa*, as explained under *pārājika* 2)
4. When the owner commits a *pārājika*.
5. When the owner formally disrobes.
6. When the owner dies.
7. When the owner changes sex.
8. When the 'determination-for-use' on the bowl is formally relinquished (*paccuddharaṇa*).
9. When the bowl develops a crack or a hole big enough for a grain of millet to pass through. The Vinayamukha adds the reasonable comment that when the crack or hole is smaller than this, but it is still enough for the liquid from curries to leak out, then this also causes the determination for use on the bowl to cease.

An alms bowl under 'determination-for-use' may be formally relinquished (*paccuddharaṇa*, cause No. 8 above) in either of two ways, bodily or verbally; either one grasps or touches the alms bowl and mentally resolves to relinquish it from use as one's alms bowl, or one speaks such a resolution out loud. As with 'determining-for-use', the alms bowl may be near or far and a set Pāli formula is not required. However, it is advisable to have the alms bowl near and it is customary to use the traditional Pāli stanza '*imaṃ pattaṃ paccuddharāmi*'.

A monk may only have one bowl at any one time determined for use as his alms bowl. Therefore, when a monk wants to use a new bowl as his alms bowl, he would normally relinquish his old alms bowl first and then determine the new bowl for use as his alms bowl. A monk may only determine a bowl which belongs to him for use as his alms bowl; he may not determine a borrowed bowl for his use.

Storing a Bowl (*vikappana*)

A bowl belonging to a monk, made of clay or iron, neither too big nor too small, (even one with a crack or a hole), may be stored by him for later use by means of *vikappana*. The method for storing an alms bowl under *vikappana* is the same method used for storing cloth under *vikappana*, but as some of these methods are rather obscure their full description will be dealt with later under *pācittiya* 59, which rule is specifically concerned with *vikappana*. Here only the simplest method of *vikappana* will be described: one takes one's bowl to another monastic (monk, *sāmaṇera*, *bhikkhunī*, *sikkhamānā* or *sāmaṇerī*) and one says in their presence, "*imaṃ pattaṃ tuyhaṃ vikappemi*", which means, "I place this bowl under *vikappana* with you". The bowl may then be stored for as long as one pleases without incurring any offence under this rule, but it may not be used. Should the original owner of the bowl want to use it as an alms bowl, then he must first take it to the same monastic with whom he placed the bowl under *vikappana* and ask him (or her) to formally relinquish the *vikappana*, for example by asking him or her to say, "*mayhaṃ santakaṃ paribhuṭja vā vissajjehi vā yathāpaccayaṃ vā karohi*", which means "use (this bowl) of mine as your own, or exchange it or do whatever is appropriate with it". It is not necessary to

use this set Pāli formula, although it has become traditional to do so. Even saying (in English), "I relinquish the *vikappana*" would be sufficient. Once the *vikappana* on the bowl has been relinquished in this way, the owner of the bowl may determine it for use as his alms bowl.

The *vikappana* on a bowl ceases not only because the 'co-owner' formally relinquishes the *vikappana*, but it also ceases for any one of the other first eight causes (but not for the ninth, the last) listed above which result in the 'determination for use' on an alms bowl ceasing, namely:

1. It is given away
2. it is stolen, lost or destroyed
3. it is taken 'on trust'
4. one of the co-owners commits a *pārajika*
5. one of the co-owners formally disrobes
6. one of the co-owners dies
7. one of the co-owners changes sex
8. when the co-owner formally relinquishes the *vikappana* as already explained

For example, if a monk has stored an alms bowl under *vikappana* with a *sāmaṇera* (novice) and that *sāmaṇera* dies, then that alms bowl ceases to be under *vikappana* and the monk may determine it for use. However, should the alms bowl stored under *vikappana* develop a crack or a hole, then the *vikappana* is not broken.

(The Rule again: *Keeping an extra alms bowl beyond ten days is a nissaggiya pācittiya.*)

A monk's 'extra' alms bowl is one that belongs to him, made out of clay fired at least twice or iron fired at least five times, neither too big nor too small, without a crack or a hole of a size that a grain of millet can pass through, not being stored under *vikappana*, and not determined for use as his alms bowl. In short, it refers to a usable bowl belonging to him which is neither determined for use nor stored under *vikappana*.

Ten days are complete on the tenth dawn counting from the moment the bowl became an 'extra' alms bowl as defined in the previous paragraph. For example, when a monk is given a brand new clay bowl, of medium size and already fired twice, on Tuesday 3rd of January at noon, then the first dawn occurs on the morning of Wednesday 4th, the second sawn on Thursday 5th … and the tenth dawn occurs early in the morning of Friday 13th of January. When he receives an iron bowl not yet fired, then he starts counting from the time when the fifth firing has been completed. When he mends an iron bowl which had a hole in it, he starts counting from the time the repaired bowl becomes usable again. When a donor informs a monk that he is sending him a new alms bowl as a gift through the mail, then he starts counting when he finally receives that alms bowl. In summary, ten days is always less than 240 hours and is counted from the moment when the bowl becomes his 'extra' alms bowl. A monk who keeps an extra alms bowl beyond tenth dawn incurs a *nissaggiya pācittiya*. Even when he doesn't realize that he has kept an extra bowl beyand ten days, for example he miscounts the days, then he incurs a *nissaggiya pācittiya* just the

same. He is then prohibited from using that bowl until after the offence has been resolved; should he use an alms bowl which is to be forfeited then he incurs a Dukkata. He has to forfeit the bowl to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The bowl should then be returned to the offending monk, not to return it being a *dukkata*. He may then re-determine that bowl for use as his alms bowl should he so desire.

There is no offence under this rule in the following situations:

- When the bowl is determined for use as his alms bowl, or stored under *vikappana*, before the tenth dawn.
- When the bowl is given away before the tenth dawn.
- When a fellow monastic takes the bowl 'on trust' (*vissāsa*, explained under *pārājika* 2 above) before the tenth dawn.
- When the bowl becomes unusable before the tenth dawn, e.g. it develops a crack or a hole as described above.
- When, before the tenth dawn, the bowl is lost or destroyed, e.g. it is stolen by thieves or blown up by the I.R.A.

NISSAGGIYA PĀCITTIYA 22

The Story

This incident occurred when the Buddha was residing at Kapilavatthu, in the Banyan monastery.

At this time a certain potter offered to supply alms bowls to any monk in need. Some monks, not knowing moderation, asked for many bowls; those with small bowls asked for large ones and those with large bowls asked for small ones. The potter was soon making so many bowls for the monks that he had no time to make other goods for sale and his family fell into hardship. The laypeople, seeing that poor potter and his family in difficulty, became annoyed and complained, "How can these *samaṇas*, the Buddhist monks, not knowing moderation ask for so many bowls and cause this potter and his family such hardship?" When the monks of few desires heard the laypeople's criticism they also became upset and complained, "How can these monks, not knowing moderation, ask for so many bowls?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the monks responsible whether the report was true. Having been told that it was so, the Buddha admonished those monks and then established the rule that whatever monk asks for an alms bowl incurs a *dukkata*.

Later on, a certain monk's bowl became broken and, because of this rule, he did not ask for a new one. When he went on alms round he collected the food in his hands.

The laypeople became annoyed and complained, “How can these *samaṇas*, the Buddhist monks, go on alms round collecting food in their hands, just like the Jain monks?” When the Buddha was told of this matter, he amended the rule to allow a monk whose bowl was broken or destroyed to ask for a new bowl.

Soon after, the group of the six monks, using this amendment as an excuse, asked the same potter for many bowls just because their old bowls had tiny cracks, were slightly chipped or even just because they had a scratch on them. Once again, the potter became so busy making bowls for the monks that his own business was neglected and his family fell into hardship again. The laypeople again became annoyed and complained, “How can these *samaṇas*, the Buddhist monks, not knowing moderation again, ask for so many bowls and cause the potter an his family such hardship?” When the monks of few desires heard the laypeople’s criticism they also became upset and complained, “How can the group of the six monks, just because their old bowls are only slightly damaged, ask for many new bowls?” and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Having been told that it was so, the Buddha admonished the group of the six monks and then established the following rule:

When one’s alms bowl is either still usable or is damaged but with less than five cracks or holes, then receiving another alms bowl, having asked for it, without being invited to do so, from a layperson who is not a relation is a nissaggiya pācittiya.

An alms bowl which is still ‘usable’ is one made out of clay and fired at least twice, or made out of iron and fired at least five times, neither too big nor too small (as explained in *nissaggiya pācittiya* 21) and without a crack or a hole big enough for a grain of millet to pass through. Such a ‘usable’ bowl may be determined for use as a monk’s alms bowl.

When a clay alms bowl developed a crack or an iron alms bowl developed a hole, big enough for a grain of millet to pass through, then the bowl became unusable for a monk’s alms bowl and could not be determined for use as such. If it was determined for use at the time, then the determination-for-use ceased with the appearance of the crack or hole. The monk was expected to mend his damaged bowl and then re-determine the repaired bowl for use as his alms bowl. When the second, the third, or the fourth crack or hole appeared, he was again expected to repair his bowl and make it usable once more. However, when the fifth crack or hole appeared the monk had a choice: he could either try and repair it again to make it usable as an alms bowl or he could discard the bowl and ask for a new one. According to the Samantapāsādikā, when a clay bowl has less than five cracks but the combined length of the cracks amounts to more than 10 inches, or when an iron bowl has less than five holes but there is one hole which is too big to mend cleanly (so that food does not stick to the patch) then the monk may discard this bowl too and ask for a new one.

When a monk already has an alms bowl, either usable or damaged but with less than five cracks or holes, and he asks for another alms bowl, not necessarily new, from a layperson who is not his relation and who has not previously invited the monk to ask, then on account of the ‘asking’ he incurs a *dukkata*. When he receives that alms bowl

he incurs a *nissaggiya pācittiya*. The alms bowl has to be forfeited to the *Saṅgha* using the following procedure:

The local Saṅgha should be convened with each monk bringing the alms bowl that he has determined for use. When a monk possesses a second, inferior alms bowl, such as an 'extra' alms bowl or one stored under *vikappana*, then should he relinquish the better alms bowl and determine the inferior one for use, just in order to take the worse one to the meeting and get a much better alms bowl for it in the exchange which is to occur, then he incurs a *dukkata*. When the local Saṅgha is fully assembled, the offending monk should pay the proper respects to the senior monks present and then formally forfeit the bowl to the Saṅgha. He should then confess the offence with a single monk. The Saṅgha then choose a suitable monk, that is one who is not swayed by desire or aversion or stupidity or fear and who knows the correct procedure with regard to this rule, to be the Saṅgha's 'bowl exchanger'. The selection is ratified by the Saṅgha using a formal resolution (Saṅghkamma) consisting of a motion and one announcement. The 'bowl exchanger' monk then takes the forfeited bowl and presents it to the most senior monk, who has then to choose which of the alms bowls is the more preferable, his own or the one brought to him, and to take that as his alms bowl. Once the senior monk has taken his choice, the remaining bowl is taken by the 'bowl exchanger' and shown to the monk next in seniority who, again, must take his choice between the bowl brought to him and his own alms bowl. The bowl remaining from the second most senior monk's choice is then taken to the third most senior monk, and so on down the line of seniority to the most junior monk. According to the Sub-Commentary, any monk may decline to choose the bowl brought to him, preferring his own bowl instead, without incurring any offence. However, the Vibhaṅga does state that when a monk regards the bowl brought to him as preferable to his own but he doesn't take it in exchange for his own, out of sympathy for the offending monk, then that monk incurs a *dukkata*. The alms bowl that is finally left over from the most junior monk's choice, which should be the worst bowl in the whole Saṅgha, is then presented to the offending monk who must determine it for use as his alms bowl and then look after it with the utmost care. If he treats this alms bowl improperly, such as by carrying it in his hand when opening a door or leaving it on a table close to the edge or hanging it by a hook on the wall, with the idea that thereby his awful alms bowl might finally break, then he incurs a *dukkata*. His previous bowl, the one that was still usable or was damaged but with less than five cracks or holes, would have to be given away or stored under *vikappana* because he is not allowed to use this bowl, nor any other bowl, not even an alms bowl presented to him by his parents, but he must use this 'worst bowl in the whole Saṅgha', according to the Vibhaṅga 'until it breaks' (i.e. until it develops the fifth hole or crack).

There is no offence under this rule in the following situations:

- When his alms bowl is of iron and it has five or more holes, plugged or not, or just one big hole too large to mend cleanly.

- When his alms bowl is of clay and it has five or more cracks, mended or not, or cracks less than five but together longer than 10 inches.

- When he has no alms bowl at all (e.g. it is stolen, taken 'on trust', destroyed or lost).

- When he asks for another alms bowl from a fellow monastic.

- When he asks for another alms bowl from one of his relations (‘relation’ as explained under *nissaggiya pācittiya* 4).

- When he asks for another alms bowl from a layperson who has previously invited him to ask for a bowl whenever he might have need of one (see *pācittiya* 47).

- When he obtains the bowl through his own property (e.g. by having his steward barter something else of his for the bowl).

- When he asks for another alms bowl to give to another monk whose bowl has five or more cracks or holes, or who has no bowl at all.

- When he receives another alms bowl without asking, for example he receives it as an unsolicited gift.

NISSAGGIYA PĀCITTIYA 23

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika’s monastery.

At this time, King Seniya Bimbisāra of Magadha saw Ven. Pilindavaccha having a slope cleared on a hill near Rājagaha to make a ‘cave-hermitage’ (a *leṇa* – explained in *saṅghādisesa* 6) and he offered to supply a monastery-worker (*ārāmika*). Ven. Pilindavaccha explained to the King that he was unable to accept the offer of help because the Buddha had yet to say whether monastery-workers were appropriate. So Ven. Pilindavaccha went and told the Buddha about the King’s request and, as a result, the Buddha allowed monastery-workers. Later the King went again to Ven. Pilindavaccha’s cave and asked whether the Buddha had permitted monastery-workers yet. Having been told that they were permitted, the King then promised to give one to Ven. Pilindavaccha. However, the King being busy forgot his promise and it wasn’t until 500 days later that he remembered. Because of this, the King gave not one but 500 monastery workers to Ven. Pilindavaccha and these and their families soon formed a separate village called Ārāmika-Gāma or sometimes Pilinda-Gāma (*gāma* means ‘village’).

Some time later, a festival came to be held in this village. On the morning of the festival, while going on alms round in the village, Ven. Pilindavaccha happened to see a poor little girl crying and sobbing and so he asked her mother what was the matter with her. Her mother replied that all the other girls were beautifully dressed for the festival wearing garlands and other ornaments, but this little girl’s parents were too

poor to give her such finery and that is why she was crying so. Ven. Pilindavaccha then picked up an old coil of grass, the sort that was used as a pad for the head when carrying a load, and he told the little girl's mother to place it on her daughter's head. As soon as this was done, the coil of grass became a beautiful ornament, an exquisite wreath of lotus flowers all in gold, not even the King's Royal Ladies had one like it.

The little girl was delighted, but when others saw the expensive golden ornament being worn by the daughter of such very poor parents, they suspected that it must have been stolen and so they went and told the King. The King had the whole family arrested, for how else could such poor people obtain such a treasure except by theft. The next day when Ven. Pilindavaccha went on alms round in the village, he came to this family's empty house and asked where they had gone. When he was told what had happened, he immediately went to the palace and asked the King why he had imprisoned one of his monastery workers and his family. The King replied that they had been found in possession of a very valuable golden ornament and as they were otherwise very poor, they must have stolen it from somewhere. The Ven. Pilindavaccha, exercising the power of his mind, willed that the palace of the King turn into gold and the whole palace became completely of gold! Ven. Pilindavaccha then asked the King from where had he gotten so much gold? The King understood and ordered the release of the monastery worker and his family.

The lay people of Rājagaha were mightily impressed with this exhibition of psychic power shown to the King and his Court and they offered to Ven. Pilindavaccha the 'Five Tonics' in very large quantities. Now Ven. Pilindavaccha did not need them himself so he gave them to his disciples. These disciples soon filled up all the water jars and pots in the monastery with the Five Tonics and then they put them in bags and water strainers and hung them from the windows of the monks' dwellings. The bags oozed and dripped and soon the monks' dwellings were infested with rats. When some lay people came to visit the monastery, they saw these monks' dwellings and became dissatisfied, complaining, "These *samaṇas*, the Buddhist monks, store up goods and supplies indoors just like King Seniya Bimbisāra of Magadha!" When the monks of few desires heard the laypeople's criticism, they also became upset and complained, "How can these monks aim for such an abundance?" and they told the Buddha. The Buddha then convened the local Saṅgha and asked the monks whether the report was true. Having been told that it was so, the Buddha admonished those monks and then established the following rule:

> *Keeping any of the five 'tonics' beyond seven days is a nissaggiya pācittiya.*

The Four Groups of Edible Substances

In the Vinaya, all edible substances are arranged in one of four groups according to the period of time they may be kept and consumed. The four groups are:

1. Food (*āhāra* or *yāvakālika*), which is any edible substance received to be eaten with a monks' morning meal. It must be consumed before midday on the same day it is received (in the Vinaya, days begin and end at dawn).

2. Juice Drinks (*pāna* or *yāmakālika*), to be consumed on the same day they are received, i.e. before the next dawn. These are :
    a) The strained juice from any type of fruit except for 'juice of grains' (presumably, this referred to alcohol made from grains). The Buddha in particular allowed the strained juice from the mango, the rose-apple, two types of banana, grapes and a particular type of berry (*phārusaka-pāna*).
    b) The strained juice from any type of leaf except when these are cooked (i.e. soups are not included here).
    c) The strained juice from any type of flower except for 'honey-tree flower juice' (the flowers from the 'honey tree', Bassia Latifolia, Pāli *madhuka*, were used to make an alcoholic drink [Jataka, Vol. 4, page 117]).
    d) The strained juice from the lotus root, honey-tree-sap-water (*madhu-pāna*) and sugar cane juice. (Mahāvagga 6.35.6)
3. The Five Tonics (*pañca bhesajjāni* or *sattāhakālika*), these form the subject of this rule. They may be kept and consumed up until the seventh dawn counting from when they were received. They are ghee, *navanīta*, oil, honey and sugar. These will be explained in detail below.
4. Medicines (*bhesajja* or *yāvajīvika*), these may be kept indefinitely and consumed at any time. They are chemical, mineral or herbal preparations which are used by laypeople not as food but to cure sickness.

The Five Tonics

The Buddha considered the Five Tonics as either medicine proper or else agreed upon as medicine, and although they were used as food (*āhāra*) for people, they were not reckoned as substantial food (Mahāvagga 6.1.2). The Five Tonics are:

1. Ghee. Being that made from the milk of any animal whose meat is also allowable (see Mahāvagga 6.23.9-15).
2. *Navanīta*. Also being that made from the milk of any animal whose meat is allowable.

    Navanīta is not butter, nor cheese. In the villages of India it is still made, according to one recent eye-witness, as follows:

    "You take a pot of curd and add a small amount of cold water and twirl it round with a stick rubbed between the hands. On the working end of the stick is a lump of wood with grooves in it; if you imagine an orange with alternate segments removed, it might give you some idea. After twirling for a few minutes, you add some more cold water and continue twirling, doing this several times until you have added approximately an equal part of water to the curd. The *navanīta* gradually rises to the surface and they skim it off. It can then be heated and skimmed in the usual way to make ghee".

This agrees well with the description in the Bhūmija Sutta (Majjhima Nikāya 126) of the way *navanīta* is made: "*dadhiṃ kalase āsiñcitvā matthena āviñjeyya*" (MN, Vol. 3, page 143) which may be rendered word-for-word as "curds – in a pot – having sprinkled – with a churning stick – one should twirl". This is also in agreement with the progressive production of the dairy products found in many places in the suttas: "from the cow comes milk, from milk comes curds, from curds comes *navanīta*, from *navanīta* comes ghee" (e.g. SN, Vol. 3, page 264). Butter, as understood in the 'West', is made from cream, not curds. Cheese is made from curds, but one cannot get ghee from cheese.

3. Oil. Oil is explained as sesame oil, mustard seed oil, honey-tree oil (Bassia Latifolia again), castor oil and oil produced from the fat of bears, fish, alligators, pigs or donkeys (Mahāvagga 6.2.1).
4. Honey. Honey is the ordinary honey from bees.
5. Sugar. The Vibhaṅga defines this as, "That which is produced from sugar cane".

Other Substances Not Mentioned by the Buddha

For other substances not specifically mentioned in the Vinaya, there is a method advised by the Buddha for deciding in which of the 'four groups of edible substances', if any, the substance belongs. The method is found in the Mahāvagga (6.40.1) and in essence it amounts to the following:

- If the substance is similar to a member of one group, and dissimilar to all those in the other groups, then it belongs in that group

- If the substance is similar to what has been prohibited altogether (such as alcoholic drinks) and dissimilar to anything allowed, then that too is forbidden.

For example, strained carrot juice is similar to strained lotus root juice, one of the allowable Juice Drinks, and it is not similar to anything in the other groups. Therefore, strained carrot juice may be regarded as a Juice, allowable throughout the day until the dawn following the day it was received.

According to this method, sugar made from things other than sugar cane is also a Tonic. For example, sugar from the sugar-beet, or palm sugar, may be kept and consumed up to seven days.

According to this method, other vegetable oils as well as the four mentioned in the Vibhaṅga may be used as Tonics. Because oil made from the fat of bears is allowed here, and bear is an animal whose meat is forbidden, then according to this method one may use as a Tonic the oil from the fat of all other animals, both those whose meat is allowable as well as those whose meat is forbidden (with the exception of oil from human fat, according to the Samantapāsādikā!).

Navanīta, as has been explained above, is different from Western butter. The *navanīta* which was seen being made in a village in India a few years ago was described as follows: "it is a pale, off white colour, not yellow like our Western butter, secondly it is granular in texture, not smooth and shiny". However, Western butter is still considered similar to *navanīta* and so it is included as a Tonic. Indeed, many consider it so similar that the most common rendering of the Pāli word *navanīta* is 'butter'.

The placing of cheese is more controversial. The highly respected Thai forest monk and meditation master, Ajahn Mun, considered cheese as a Tonic and ate it in the afternoon when there was a reason. Because of this, most monks in the Thai forest tradition who trace their lineage back to Ajahn Mun take cheese as a Tonic. They argue that it is sufficiently similar to *navanīta* and it is dissimilar from anything which was specifically placed by the Buddha in any of the other groups. Therefore, according to the Buddha's method, cheese is a Tonic. Indeed, cheese is made from curds like *navanīta* and, in the words of the Buddha's general description of a Tonic, 'although it serves as food (*āhāra*) for people it is not reckoned as substantial food (*oḷārika āhāra*)' (Mahāvagga 6.1.2). Many years ago in Thailand, an American staying in the monastery preparing to become a *sāmaṇera* (novice), on hearing that cheese was allowable in that monastery in the afternoon, bought many tins of cheese to enjoy by himself in the evening. The first day, having eaten only a quarter of one of the small tins, he was very sick. He was so ill even the next day that he couldn't stand the sight of his cheese and therefore gave it all up to the monks to make use of. He never had anymore. The anecdote goes to show that even when one is hungry, let alone greedy, one cannot make a substantial meal out of cheese, or from any of the Tonics. However, many other monks consider cheese to be more like a substantial food and significantly different from *navanīta*, enough to exclude it as a Tonic. Indeed, butter is much closer to *navanīta* than cheese is and less nutritious than cheese.

It does seem that when considering the status of edible substances which are not mentioned in the Vinaya and which do not clearly, obviously, fit into one group or another, then there will always be differences of opinion. It is only to be hoped that differences of opinion on such minor matters never be seen as a cause for disharmony.

The Use of the Five Tonics

The Five Tonics were allowed by the Buddha for the use of monks who were 'Ill' (*gilāna*). However, in the Vinaya the Pāli word '*gilāna*' has a very wide meaning covering any physical disorder from mild discomfort to 'life-threatening' diseases. To illustrate the least forms of physical discomfort which still count as '*gilāna*', here are some examples from the Vinaya:

- A monk having been invited to a meal may eat something beforehand when he is '*gilāna*' which is defined here as 'he is not able to eat as much as he pleases in one sitting'. (from *pācittiya* 33)

- A monk may ask for and then eat 'sumptuous' foods when he is '*gilāna*', here defined as 'for whom there does not come to be comfort without a fire'. (from *pācittiya* 39)

- A monk may light a fire for the sake of warmth whin he is '*gilāna*', here defined as' for whom there does not come to be comfort without fire'. (from *pācittiya* 56)

- A monk may bathe more than once a fortnight in the 'Middle Country' (the Ganges Valley) when he is '*gilāna*', here defined as 'if there cones to be no comfort for him without bathing, he may bathe thinking 'this is a *gilāna* occasion'. (from *pācittiya* 57)

These examples show that '*gilāna*' at its least can be merely physical discomfort. Furthermore, there is the following story which shows that a monk who has not had enough to eat that day is counted as '*gilāna*' and may if he wishes, take any of the Five Tonics in the afternoon:

> A certain monk, as a result of some bad kamma in a previous life, never once got enough to eat. Every day he went hungry. Ven. Sāriputta, having compassion for this hungry monk, invited him to accompany him on alms round so that at least once in his life the hungry monk would get a decent meal. Ven. Sāriputta had many supporters and his bowl was soon filled. But, when they both returned to the monastery, Ven. Sāriputta found that, although the hungry monk had followed behind him, he had received absolutely nothing, So Ven. Sāriputta poured the whole contents of his alms bowl into the hungry monk's alms bowl. As soon as it entered the hungry monk's alms bowl, the food disappeared. Ven. Sāriputta was determined to get this unfortunate monk something to eat and so he went back into the town again to get an alms bowl full of the Five Tonics for the hungry monk. When he returned to the monastery, Ven. Sāriputta's resolute attempt to feed the hungry monk was found to be of no avail. When Ven. Sāriputta was away the hungry monk had died.

This story, and the examples from the Vinaya given before, show that when a monk has not had enough to eat in the morning (for one reason or another!), or he feels run down, or he is tired after doing some hard physical work, then in these and similar situations he is considered '*gilāna*' and may consume any of the Five Tonics at any time. Of course, when the discomfort takes the form of a sickness such as a cold, or the flu, or malaria say, then he may also consume any of the Five Tonics at any time. Because of the way these Five Tonics are used, I have called them 'Tonics' rather than medicines.

The *Nissaggiya Pācittiya* Offence

One may keep any of the Five Tonics no more than seven days. Seven days are completed on the seventh dawn after the Tonic was received. It is always less than 7 x 24 hours. For example, when a monk receives some sugar on the afternoon of March 25th, then the first dawn occurs on the morning of March 26th, the second dawn on March 27th … and the seventh dawn occurs early in the morning of April 1st. A monk who keeps one of the Five Tonics beyond the seventh dawn incurs a *nissaggiya pācittiya*. Even when he doesn't realize that he has kept a Tonic beyond seven days, for example he forgets that he still has it, then he incurs a *nissaggiya pācittiya* just the

same. He has to forfeit the Tonic to the Saṅgha, to a group of monks or to one monk, and then confess the offence. The Tonic is then returned to the offending monk, not to return it being a *dukkata*. However, the offending monk may not consume that Tonic, nor may he use it as an ointment on himself (oil, for example, is used massage and honey is used on wounds), but he may use it a fuel for a lamp, or to make paint, or similar things. Should the offending monk give the Tonic away to another monk, then he may not consume it either but he may use it as an ointment or as fuel for a lamp, to make paint, or similar things.

There is no offence under this rule when the Tonic is completely consumed, given away 'on trust', stolen, lost, burnt, destroyed or otherwise rendered no longer the monk's possession, before the seventh dawn. When a monk gives the Tonic away, before the seventh dawn, to a second monk then that second monk must consume or get rid of the Tonic before the seventh sawn, counting from when the first monk received it, or else the second monk incurs a *nissaggiya pācittiya*. When a monk gives the Tonic away, before the seventh dawn, to a *sāmaṇera* or to a layperson and the Tonic is later re-offered to him, then he may accept and make use of it, keeping it up to a further seven days, *providing he completely renounced the Tonic when he gave it away*. For example, when a monk has kept some sugar six days already and he tells a *sāmaṇera*, to take the sugar and then re-offer it, thinking that this way he may use the sugar a further seven days, then he has not renounced the sugar and if he is still keeping he sugar on the following sawn, then he will incur a *nissaggiya pācittiya*. Even when the monk who has kept the sugar six days already tells the *sāmaṇera* to take the sugar, hoping that he will be smart enough to re-offer it without being told, then again he has not renounced the sugar. Should the *sāmaṇera* re-offer the sugar and the monk keeps it beyond the next dawn, being the seventh, then he incurs a *nissaggiya pācittiya*. But when a monk who has kept sugar six days already gives it away to a layperson, not hoping that it will be re-offered, then should the layperson later re-offer that sugar to the monk, then the monk may accept and make use of it, keeping it up to a further seven days without incurring any offence.

Changing the Status of a Tonic

The Vibhaṅga also states that there is no offence when, before the seventh dawn, the monk determines that he will not consume the Tonic but will use it for other purposes instead. For example, when a monk who has kept some oil as a Tonic for six days already determines that he will now use it only as fuel for his lamp, then he may continue keeping that oil indefinitely without incurring an offence. Another example, a monk living alone has kept some sugar six days already and determined that he will not consume that sugar but will give it away to a lay person the next morning on alms round. Though he keeps that sugar beyond the seventh dawn, he does not keep it as a Tonic beyond the time, and so he does not incur any offence. However, he may not change the status of that sugar, or the oil in the earlier example, back into a Tonic after the seventh dawn.

A monk who has received a substance as a Tonic in the morning may mix it with his food that morning, thereby changing its status to being a Food. However, should he mix it in with food on the following say then the Tonic received the day before changes its status to being a Food received the day before, and so he incurs a *pācittiya*

for eating stored up food (*pācittiya* 38). The subject of mixing members of the four groups of edibles will be further discussed below.

However, when a substance which can be used as a Tonic is received 'for the sake of food' then it can only ever be used as food. In this case a monk may not, at a later time, change the status into a Tonic. For example, when a monk has received a lump of brown sugar on alms round, regarding it as part of his meal for that morning, and then, seeing so much other food to eat, he decides to use the sugar as a Tonic instead, then if he consumes that sugar that afternoon he incurs a *dukkata* for 'eating a Tonic received for the sake of food in the afternoon' (*pācittiya* 37.2.2). If he eats it on the following morning then he incurs a *dukkata* for 'eating a Tonic received for the sake of food stored overnight' (*pācittiya* 38.2.2). If he eats it on a subsequent afternoon then he incurs both these *dukkatas* combined!

Making the Tonic Oneself

The Mahāvagga (6.2.1-2) states that a monk may make oil from animal fat himself as long as the animal fat was received in the morning and is made onto oil by the monk in the same morning. The oil may then be used as a Tonic and be kept up to seven days. However, the Samantapāsādikā states that oil produced in this way may not be mixed with food, not even with food received the same morning (VA 714).

With regard to making some of the other Tonics, the Samantapāsādikā also states the following:

- A monk may make ghee from *navanīta* himself. When the *navanīta* is received in the morning and he makes the ghee in the same morning then he may use the ghee with food that morning or else he may use it as a Tonic keeping it up to seven days. But when the ghee is made in the afternoon, or when the *navanīta* was received in the afternoon, then the ghee made by himself may not be mixed with food but may be used as a Tonic and kept until the seventh dawn (VA 710).

- When a monk makes ghee or *navanīta* from milk, or from curds, received in the morning, or sugar out of sugar cane juice received in the morning, then he may use this as a Tonic and keep it up to seven days, but he may not use it mixed with food. However, when the milk or the curds or the sugar cane juice was received in the afternoon, then he may not consume at any time the Tonics produced from these (VA 710f and VA 716).

It is worth digressing here to relate what the Samantapāsādikā says about making Juice Drinks oneself. When the fruit, for example, is received in the morning and a monk makes a strained juice from that fruit in the morning, then he may only drink that juice before noon. He may not drink it in the afternoon. Instead of making the fruit juice himself, should the monk have a *sāmaṇera* or a layperson make the strained juice for him, then having received the completed juice he may drink it at any time up until the following dawn. But when the fruit is received in the afternoon, he may not consume the fruit juice at any time, whoever makes it (VA 1102).

Digressing even further, shortly after the above passage, the Samantapāsādikā states that the strained juice made from the nine 'Great Fruits (*mahāphala*) are not allowable as Juice Drink in the afternoon. The nine are: the fruit of the Palmyra tree (*tāla*); coconut (*nālikera*); jackfruit (*panasa*); breadfruit (*labuja*); long white gourd (Cucurbita logenaris, *alābu*); the wax gourd (Benincasa hispida, *kumbhaṇḍa*); a melon (genus Cucumis, *pusaphala*); water melon (*tipusa*); and pumpkin (*elāluka*). (The meaning of these last four 'Great Fruits' is uncertain and I have given their meaning according to the Thai translations of the Samantapāsādikā.) Ācariya Buddhaghosa argues that although the Buddha did not prohibit Juice Drinks made from these 'Great Fruits' they are, nevertheless, similar to 'juice from grains' which the Buddha did prohibit (see above), therefore according to the Buddha's method (which Ācariya Buddhaghosa calls the Four Great Standards, making confusion with the Buddha's Four Great Standards in the Mahāparinibbāna Sutta, DN 16.4.7-11) juice from the nine 'Great Fruits' is also prohibited. Some monks do not agree with this argument. Nevertheless, it has become the tradition not to drink such things as coconut milk in the afternoon (VA 1103f).

Mixing the Four Groups of Edible Substances (Mahāvagga 6.40.3)

When a monk mixes a Juice Drink with food, or a Tonic with food, or a medicine with food, then the mixture becomes food and may be consumed only in the period from dawn until noon on the day the food was received, provided that the Juice Drink or the Tonic or the Medicine, which ever was added to the food, was also received on the same day. When a monk eats food in the morning containing something that was received the day before or earlier (in the Vinaya, days begin and end at dawn) then he incurs a *pācittiya* for eating stored up food (*pācittiya* 38). For example, when a monk adds some sugar received as a Tonic yesterday to a bowl of cereal received this morning, then if he eats the sweetened cereal this morning he incurs a *pācittiya* for eating stored up food. Another example, when a monk has received salt early in the morning before dawn and he adds it to rice porridge received later that morning after dawn, then when he eats the rice porridge that morning he also incurs a *pācittiya* for eating stored up food.

When a monk mixes a Tonic with a Juice Drink, or a Medicine with a Juice Drink, then the mixture becomes a Juice Drink and may be consumed until the dawn ending the day on which the Juice Drink was received, provided that the Tonic or the Medicine, whichever was added to the Juice Drink, was also received on the same day. When a Juice Drink contains an ingredient that was received the day before or earlier, then that Juice Drink may not be consumed by a monk. For example, when a monk adds some honey which he received as a Tonic two days ago to a sour lemon Juice Drink received today, then the lemon-and-honey drink becomes a Juice Drink as if received two days ago, and so cannot be consumed. Similarly, when a monk adds some salt received as a Medicine one month ago to some strained carrot juice received as a Juice Drink today, then he may not drink the salty carrot juice because it becomes a Juice Drink as if received one month ago. The Samantapāsādikā states that a monk who consumes a Juice Drink stored overnight or longer incurs a *pācittiya.* However there is no basis for this opinion in the Vinayapiṭaka where all that is said is that such a Juice Drink is not allowable (VA 839 and Mahāvagga 6.40.3).

A Medicine mixed with a Tonic is treated differently from other mixtures. This difference is found both in the Vinayapiṭaka (Mahāvagga 6.40.3) as well as in the Samantapāsādikā (VA 1105). The mixture of a Medicine and a Tonic becomes a Tonic, it may be consumed at any time, and it may be kept until the seventh dawn counting from when the Tonic ingredient was received, no matter when the Medicine ingredient was received. For example, mixing sugar received as a Tonic four days ago with hot water received today containing tea leaves received as a Medicine three months ago, produces a delicious Tonic which may be consumed at any time of day or night and which may be kept (theoretically) a further three days.

When one adds an insignificant amount of a food to a Tonic, then the mixture remains a Tonic. There is a story in the Vinaya (Mahāvagga 6.16.1) of Ven. Revata the 'Doubter' who, when he saw laypeople add flour (a food) and ash to some sugar they were making, thought the resulting sugar mixed with a food would not be allowable as a Tonic in the afternoon. When he told the Buddha about this, the Buddha asked him why they added the flour and ash. "To make the sugar hard", replied Ven. Revata. The Buddha said, "If, monks, they put flour and ash in sugar so as to make it hard, and it still goes under the name 'sugar', then you may make use of that sugar as much as you like". (i.e. at anytime of the day when there is physical discomfort). Therefore, when a food is added to a Tonic in such an insignificant amount that it goes by the same name as the original Tonic, then it remains a Tonic.

For example, boiled sweets (candy) are mostly sugar and therefore a Tonic. Sometimes flour or corn syrup is added but the boiled sweet would go by the same name with or without that food ingredient. Therefore it remains a Tonic.

A second example: dark chocolate is mostly a mixture of cocoa and salt, both Medicines, and sugar, a Tonic, and is therefore a Tonic. When a small amount of milk (a food) is added it still goes under the name of 'dark chocolate' and is therefore still a Tonic which may be consumed any time of the day and kept up to seven days. When more milk is added though, it becomes 'milk chocolate' and then it must be considered as a food.

This method seems appropriate for mixtures other than a food plus a Tonic as well. For example:

- Vitamin pills, a Medicine, sometimes have a sugar coating but whether the sugar coating is there or not it would still be called a 'vitamin pill'. Therefore sugar-coated vitamin pills are still Medicines and may be kept indefinitely.

- Homoeopathic medicines are sometimes manufactured on a sugar-base, sometimes on other bases. Whether the sugar is there or not the homoeopathic medicine will retain the same name. Therefore homeopathic medicines may be kept indefinitely.

These are a sufficient number of examples to illustrate the method which is a consequence of the Buddha's reply to Ven. Revata's doubt. However, just as with the Buddha's method for determining the status of edible substances not mentioned in the Vinaya (Mahāvagga 6.40.1) explained above, there will always be differences of

opinion on how far these methods should be extended. May monks not waste too much time arguing on these trivial matters.

NISSAGGIYA PĀCITTIYA 24

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, the Buddha had allowed monks to wear a 'rains-cloth' (*vassika-sāṭikā*) for bathing in the rain. So some of the group of the six monks went seeking material to make the rains-cloth long before the start of the rainy-season, and they also began wearing their completed rains-cloths long before the rainy-season. When the rainy-season eventually came, the rains-cloths of the group of the six monks were already worn out and so these monks bathed naked in the rain. The monks of few desires became upset and complained, "How can the group of the six monks go seeking for material to make a rains-cloth so early, and how can they begin wearing their completed rains-cloths so early? Now that the rainy-season has come, their rains-cloths are all worn out and so they bathe naked in the rain!" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Having been told that it was true, the Buddha admonished the group of the six monks and then established the following rule:

> *The time for seeking a rains-cloth is the last month of the hot-season and the four months of the rainy-season. Receiving a rains-cloth, which one went seeking for outside of this time, is a nissaggiya pācittiya.*
>
> *The time for wearing a rains-cloth is the last fortnight of the hot-season and the four months of the rainy-season. Wearing a rains-cloth outside of this time is a nissaggiya pācittiya.*

The 'Rains-Cloth' (*vassika-sāṭika*)

In the time of the Buddha, a monk would usually bathe at a secluded spot in a river or in a lake (as in the Origin Stories of *pācittiyas* 57 and 84). But during the rainy-season it seems to have been the custom to bathe out in the open under the rain. Perhaps this was because the rivers were swollen during this time and flowing too fast to be convenient for bathing.

Once while the Buddha was residing at Sāvatthī, in the Jetavana, he told the monks to bathe out in the open under a heavy rain storm. While the monks were bathing naked, a servant girl sent by Visākhā came to the monastery to invite the monks to go for their meal, but she thought that there were no monks in the Jetavana, only naked ascetics! As a consequence of this, Visākhā requested that the Buddha allow the

monks to wear rains-cloths during the rainy-season when bathing in the rain for, she said, “Nakedness is improper and objectionable”. The Buddha granted her request. (Mahāvagga 8.15.1-15)

It seems, then, that rains-cloths were for the sole purpose of bathing in the rain out in the open. When bathing in a river or in a lake, a monk would bathe naked (Vinayamukha Vol. 2, page 7f). When bathing is a sauna (*jantāghara*) he would also go naked (Mahāvagga 1.25.13). According to the Samantapāsādikā, a monk may also be naked when bathing from a water jar (VA 721). The bhikkhunīs, however, were forbidden to bathe naked (Nun’s *pācittiya* 21) and the Buddha allowed a special bathing-cloth, an *udaka-sāṭika*, for the bhikkhunīs just for bathing, again at the request of Visākhā (Mahāvagga 8.15.15).

The Buddha said that the rains-cloth may only be ‘determined for use’ as such during the four months of the rainy-season, and during all other times it should be stored under *vikappana* (Mahāvagga 8.20.2). He also placed an upper limit on the size of the rains-cloth of 6 x 2.5 *sugata* spans, about 150 centimetres x 63 centimetres (*pācittiya* 91).

The *Nissaggiya Pācittiya* Offence

There are two offences of *nissaggiya pācittiya* under this one rule (and possibly another from *nissaggiya pācittiya* 6).

The first concerns seeking the rains-cloth outside of the permitted time. When the rainy-season was approaching and a monk did not have a rains-cloth, for example he had not got one stored under *vikappana* from last year, then he was encouraged to try and find one before the rainy-season began, because bathing naked in the rain was considered improper. The permitted time for seeking a rains-cloth begins at the dawn which ends the Uposatha-day one month before the start of the rainy-season, and it lasts until the end of the rainy-season five months later. During this time a monk may ask for a rains-cloth from his relations or from those who have given him an invitation to ask when in need of such things. He is also allowed to go to other laypeople and give them a broad hint saying, “It is time for rains-cloths. It is rains-cloth season now. Other people are now giving rains-cloths”. (These examples of ‘hints’ come from the Vibhaṅga itself.) However, as these laypeople are not his relations and have not given him an invitation to ask, then he may say no more than a hint. Should he say things like, “give me a rains-cloth” or “get me a rains-cloth” then he incurs a *nissaggiya pācittiya* under an earlier rule, *nissaggiya pācittiya* 6.

When a monk asks for a rains cloth from his relations or from those who have previously invited him to ask, or he drops a hint about rains-cloths to other laypeople, outside of the permitted time for seeking a rains-cloth, then he incurs a *dukkata.* When he receives that rains-cloth he incurs a *nissaggiya pācittiya.*

The second *nissaggiya pācittiya* under this rule, concerns wearing the rains-cloth outside of the proper time. The proper time for wearing a rains-cloth begins at the dawn which ends the Uposatha-day one fortnight before the start of the rainy-season, and it lasts until the end of the rainy-season four and a half months later. No matter

how or when he obtained his rains-cloth, when he wears it outside of this time he incurs a *nissaggiya pācittiya*.

Having incurred a *nissaggiya pācittiya* in either case, the monk has to forfeit the rains-cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The rains-cloth should then be returned to the offending monk, not to do so being a *dukkata*. The offending monk should then put aside that rains-cloth until it is the proper time for wearing it or, if it is more than ten days before he may start wearing it, then he should store it under *vikappana* until then.

There is a further offence of *dukkata* mentioned in the Vibhaṅga for bathing naked in the rain when one possesses a rains-cloth.

There is no offence under this rule for a monk who, having lost all his other robes, wears a rains-cloth at anytime of the year to prevent himself going naked (as in *nissaggiya pācittiya* 6.2). There is also no offence in the situation of '*vassaṃ ukkaḍḍhiyyati*'. This is explained in the Samantapāsādikā as follows. The beginning of the rainy-season is sometimes postponed for a month in order to add the extra month (*adhika-māsa*), once every two or three years, necessary to keep the lunar year in line with the solar year. Thus, there is no offence for a monk who has already gone seeking for a rains-cloth less than a month before the start of the rainy-season, when the rainy-season, nor for a monk who has already begun wearing his rains-cloth less than a fortnight before the start of the rainy-season, when the rainy-season is postponed. In such a case the monk should wash his rains-cloth and then store it under *vikappana* until he may begin wearing it a month or so later (VA 721).

A Fine Point of Vinaya

When a monk begins wearing his rains-cloth fifteen days before the start of the rainy-season, which the Buddha allowed him to do, then nine days later he is in a dilemma. He may not determine that rains-cloth for use yet because the Buddha stated that the rains-cloth may only be determined for use during the four months of the rainy-season (Mahāvagga 8.20.2). But if he does not determine it for use before the next dawn then he incurs a *nissaggiya pācittiya* for keeping what amounts to an 'extra cloth' beyond ten days (*nissaggiya pācittiya* 1)! He is certainly allowed to wear the rains-cloth at this time so putting it under *vikappana* is no solution because then he would not be able to wear it (*pācittiya* 59). So what should he do? He can't determine the rains-cloth for use and he can't not determine the rains cloth for use!

Ācariya Buddhaghosa suggests that, because the Buddha stated that he may wear the rains-cloth during the whole fortnight preceding the rainy-season but he may not determine it for use at this time, this must be a special exemption from the penalty of *nissaggiya pācittiya* 1, and so the monk should carry on wearing his rains-cloth and determine it for use only after the rainy-season has begun. Ācariya Bhuddhaghosa also cited a different solution to this dilemma suggested by and old '*atthakathā*' (an ancient commentary) called the Kurundi which advises the monk to determine the rains-cloth for use within ten days even though it is not yet the rainy-season. Thus the Kurundi thinks that this must be a special exemption from not being allowed to determine a rains-cloth for use outside of the rainy-season.

Fortunately, this dilemma is only of academic interest as monks do not use a rains-cloth anymore. The advent of modern bathrooms, one could say, threw a wet blanket on bathing naked in the rain!

NISSAGGIYA PĀCITTIYA 25

The Story

This incident occurred when the Buddha was staying at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, Ven. Upananda said to the monk who was his brother's pupil (*saddhivihārika*), "Come, Venerable, let us go on a tour of the countryside".

> "I'm sorry, Venerable Sir, but I can't go. My robe is threadbare", the monk replied.
>
> "Never mind that, Venerable, I will give you a robe", and Ven. Upananda gave him a good robe.

Then that monk heard that the Buddha was going to set out on a tour of the countryside. "Hmmm", he thought, "in that case I will not set out on a tour of the countryside with Ven. Upananda, but I will set out on a tour with the Buddha instead."

Soon after, Ven. Upananda said to that monk, "Come, Venerable, now it the time to set out on our tour of the countryside".

> "I'm sorry, Ven. Sir, but I have decided not to go on a tour of the countryside with you, I will go on a tour of the countryside with the Buddha instead."
>
> "What! Well, that robe that I gave you, my friend, *that* will set out on a tour of the Countryside *with me*!" and Ven. Upananda, angry and annoyed, took back that robe forcibly from the monk.

When that monk told others about this, the monks of few desires became upset and complained, "How can this Ven. Upananda give someone a robe and then being annoyed forcibly take it back again", and they told the matter to the Buddha. The Buddha then convened local Saṅgha and asked Ven. Upananda whether the report was true. Having been told that it was true, the Buddha admonished Ven. Upananda and then established the following rule:

> *Having given a robe or some cloth to another monk, taking it back without his consent, because one is annoyed with him, is a nissaggiya pācittiya.*

For ease of understanding, the offence of *nissaggiya pācittiya* here consists of the following four factors:

1. The article concerned is a cloth, that is, any piece of material suitable for a monk's robe, made up into a requisite or not, and which is longer than 8 inches and wider than 4 inches. It would include a robe, or a sitting cloth, or a bag for example.
2. The monk has given that robe or cloth to another monk.
3. Some time later, the monk takes that article back without the other monk's consent, or he has someone take it for him.
4. He does so from the motive of anger or annoyance with the other monk, for example he is annoyed because the other monk broke a promise relating to the gift, as in the story above.

When each of these four factors is fulfilled, the monk incurs a *nissaggiya pācittiya*. He has to forfeit that robe or cloth to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robe or cloth should then be returned to the offending monk, not to do so being a *dukkata*. (It is interesting to note that the offending monk gets the robe, or cloth, in the end!)

There is a *dukkata* offence under this rule in the following situations:

- When he gives a requisite other than cloth to a monk, e.g. a bowl, and being annoyed, he takes it back without his consent.

- When he gives any article to someone other than a monk, and being annoyed, he takes the article back without their consent.

There is no offence under this rule in the following situations:

- When the article is taken with the other person's consent. For example, when the other monk realizes that the original owner is annoyed and wants the article he gave back and he gives it back voluntarily, then there is no offence.

- When the article is not taken out of anger or annoyance. For example the original owner takes the article 'on trust', or he borrows it, or he takes it mistaking it for his own, or he takes it to save it being lost or damaged.

However, when he takes the article not out of anger or annoyance, but 'with the mind of a thief' (*theyya-citta*) then there may be a *pārājika* under *pārājika* 2. However, for someone like Ven. Upananda in the story, when the monk regards the article as still belonging to him, because it was given on a condition which was not met, then it does not fulfil the necessary factors to be considered 'stealing' (see *pārājika* 2 above).

NISSAGGIYA PĀCITTIYA 26

The Story

This incident occurred when the Buddha was residing at Rājagaha, in the Bamboo Grove, at the 'squirrels' feeding place'.

At this time, the group of the six monks were making robes and so they asked the laypeople for thread to sew their robes. When these robes were completed there was a lot of thread left over. The group of the six monks then thought that if they ask the laypeople for some more thread, then they would have enough to take to the weavers and have robe-material woven. So they asked the laypeople for some more thread and had robe-material woven by the weavers. Again there was a lot of thread left over and so for a second time they asked the laypeople for more thread and had robe-material woven. But there was once more much thread remaining and so for a third time, the group of the six monks asked the laypeople for more thread so as to have more robe-material woven by weavers. At this point, the laypeople's patience became somewhat 'threadbare' (!) and they were annoyed, complaining, "How can these *samaṇas*, the Buddhist monks, keep asking us for thread so as to have robe-material woven?" When the monks of few desires heard the laypeople's criticism they also became upset and complained, "How can the group of the six monks ask laypeople for thread so as to have robe-material woven?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Having been told that it was true, the Buddha admonished the group of the six monks and then established the following rule:

> *Receiving robe-material, having had it woven from thread obtained by asking laypeople, who were not relations and who had not given invitation to ask, is a nissaggiya pācittiya.*

Robe-material here means any piece of cloth suitable for a monk's robe and which is longer than 8 inches, wider than 4 inches. Thread is that made from linen, cotton, silk, wool, hemp or canvas (the six allowable materials for a robe, as in *nissaggiya pācittiya* 1 above).

When a monk asks for thread, to weave into robe-material, from laypeople who are not his relations and who have not invited him to ask, then he incurs a *dukkata*. When he consequently receives the woven robe-material he incurs a *nissaggiya pācittiya*. He has to forfeit that robe-material to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robe-material should then be given back to the offending monk, not to do so being a *dukkata*. The offending monk may then make use of that robe-material.

There is no offence under this rule for asking for thread in the following situations:

- When he asks from his relations ('relations' are explained under *nissaggiya pācittiya* 4, above).

- When he asks from those who have invited him to ask them for things that he needs (as in *pācittiya* 47, below).

- When he gets the thread through his own property, e.g. by asking a lay-steward to barter something of his for the thread.

- When the thread is to be used to sew a robe and not for weaving.

- When the thread is to be woven into robe-material to give to someone else, e.g. to a monk who has lost his robes.

- When the thread is to be woven (or crocheted) into a bowl-bag; into the shoulder-strap for the bowl-bag or for other bags; into a waistband; into a water-filter; or into a 'binding-cloth (*āyoga*). An *āyoga* was a cloth used for tying around the knees, pulled into the chest, and behind the back when sitting in the squatting posture called '*pallatthikā*'. A monk is forbidden to sit in this posture in the village (*sekhiya* 26), nor may he teach Dhamma to someone in this posture (*sekhiya* 65). The group of the six monks tied their *saṅghāṭis* around their knees when squatting thus and their *saṅghāṭis* fell apart. As a consequence of this, the Buddha allowed the *āyoga*, the 'binding-cloth', especially for sick monks, and also a loom plus appendages to weave the *āyoga* (Cullavagga 5.28.2).

The Samantapāsādikā explains this rule a little differently (n.b. '*kappiya*' means 'allowable'; '*akappiya*' means 'unallowable'):

> Thread obtained by asking laypeople, who were not relations and who did not give invitation to ask, is called *akappiya*-thread.
>
> Weavers who are not his relations and who have not given him invitation to ask them to weave something are *akappiya*-weavers.
>
> Having asked *akappiya* weavers to make cloth from *akappiya* thread, receiving that cloth is a *nissaggiya pācittiya*.
>
> Having asked *kappiya* weavers to make cloth from *akappiya* thread, receiving that cloth is a *dukkata*.
>
> Having asked *akappiya* weavers to make cloth from *kappiya* thread, receiving that cloth is a *dukkata*.
>
> Having asked *kappiya* weavers to make cloth from *kappiya* thread, receiving that cloth is no offence.

NISSAGGIYA PĀCITTIYA 27

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, a monk on alms round overheard a certain man, who was about to set off on a journey, say to his wife, "Take so much thread to a certain weaver and have it woven into cloth. When I come back, I will offer the robe-material to Ven. Upananda". When the monk returned from alms round he said to Ven. Upananda, "Venerable Sir, you have great merit. At a certain place I heard a man, who was about to set off on a journey, telling his wife to take thread to a certain weaver and have it made into robe-material to give to you when he returns". Ven. Upanada replied that the man and the weaver were both lay-supporters of his.

The Ven. Upananda went to that weaver and said to him, "Sir, this robe-material is being woven specially for me, so make it long and wide and closely woven, make it well woven, well scraped and well combed".

"Venerable Sir", the weaver replied, "I have only been given so much thread. It is not enough to make it as long and as wide and as closely woven as you require, but I can make it well woven, well scraped and well combed."

"You make it long and wide and closely woven, Sir", Ven. Upananda told him, "the thread will not be a problem."

So the weaver put all the thread he had been given on the loom and then went to ask the man's wife for more.

"But didn't I tell you to weave robe-material with just the amount of thread that I gave to you?" she said to the weaver.

"Yes, Madam, but Venerable Upananda came and asked me to make the robe-material long and wide and closely woven, well woven, well scraped and well combed. He said there wouldn't be any problem about thread."

Then that woman gave the same amount of thread again to that weaver and the robe-material was woven as Ven. Upananda desired.

Soon after, Ven. Upananda heard that his lay supporter had returned from his journey and so he went to his house and sat down on the seat prepared. The layman greeted Ven. Upananda and then asked his wife to bring the robe-material to offer to the monk. When she handed the robe material to her husband, she also told him all that had happened. The layman gave the robe-material to Ven. Upananda but he was annoyed and complained, "These *samaṇas*, the Buddhist monks, have great desires. They are not frugal. It is no easy matter to give them a robe. How can this Ven. Upananda, without being invited by me, go to my weaver and tell him how to weave the robe-material?"

When the monks of few desires heard that layperson's criticism they also became upset and complained, "How can Ven. Upananda, without being invited, go to a layperson's weaver and tell him the sort of robe-material to make?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked Ven. Upananda whether the report was true. Having been told that it was true, the Buddha admonished Ven. Upananda and then established the following rule:

> *When a monk hears that a layperson, who is not a relation, is having thread woven into robe-material to offer to him and, without being invited to do so, he goes and tells the weaver the sort of cloth he is to weave, then on receiving that robe-material he incurs a nissaggiya pācittiya.*

Robe-material here means any piece of cloth suitable for a monk's robe, which is longer than 8 inches and wider than 4 inches.

When a monk has reason to believe that a certain layperson, who is not his relation, is having thread woven into robe-material to present to him, and he goes to the weaver and tells him the sort of robe-material he wants, desiring something expensive or fine, not having been invited by the donor to say what he wants, then for this he incurs a *dukkata*.

Should the weaver pay no heed to the monk's request and the monk eventually receives the robe-material that the layperson had intended to give from the beginning, then there is no further offence for that monk. But when the monk's unsolicited request to the weaver produces the fine robe-material that he desired then, on receiving that robe-material, in incurs a *nissaggiya pācittiya*. He has to forfeit that robe-material to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robe-material should then be given back to the offending monk, not to return it being a *dukkata*.

There is no offence under this rule in the following situations:

- When the robe-material is to be offered by a fellow monastic (except a bhikkhunī, see *nissaggiya pācittiya* 5, above).
- When the robe-material is to be offered by a layperson who is a 'relation' (as explained in *Nissaggiya Pācittiya* 4, above).
- When the robe-material is to be offered to someone else.
- When the layperson invites the monk beforehand to describe the sort of robe material that he would like to have.
- When the robe-material is to come from the monk's own property. For example, the monk gives his own thread to the weaver and instructs a lay-steward to barter another requisite of his for the cost of weaving the robe-material (as in *nissaggiya pācittiya* 20).

- When, having reason to believe that the layperson will have expensive robe-material woven, the monk tells the weaver (or preferably the layperson), without being asked, to weave an inexpensive, ordinary piece of robe-material to offer instead.

The rule and the Vibhaṅga both give the example of a monk offering a gift to the weaver to persuade him to make the robe-material just as the monk wants. The gift, according to the Vibhaṅga, could be anything from a present as small as a loose thread to a talk on the Dhamma. Nevertheless, whether or not such a gift is offered to the weaver, the offences under this rule are still the same. The Samantapāsādikā explains that offering a gift is no more than an example of how a monk might persuade the weaver to follow his instruction. In the Story to this rule, Ven. Upananda offered no gift to the weaver.

NISSAGGIYA PĀCITTIYA 28

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, a certain chief-minister was about to set off on a campaign with the army and he sent a messenger to the monks to invite them to come and receive Rains-Retreat gifts. However, such gifts were permitted only after a Rains-Retreat had ended and so, as it was still Rains-Retreat time, the monks declined to go. The chief-minister became annoyed and complained. "How can these monks, having been invited by me, not come? I am going on a campaign with the army and I might die!" When the monks of few desires heard the chief-minister's complaint they told the matter to the Buddha. The Buddha then allowed the monks to receive Rains-Retreat gifts offered earlier than usual in such urgent circumstances, and then to set them aside until later. When such a gift was robe-material it was called *acceka-cīvara*, '*acceka*' meaning 'urgent'.

When the monks heard that they were allowed to receive *acceka-cīvara* and set them aside until later, they set them aside until after the end of the Robe-season, tying them up in bundles and hanging them from the bamboo clothes-lines. When Ven. Ānanda saw these bundles of robe-material hanging from the bamboo clothes-lines and found out what they were and how long they had been kept, he became upset and complained, "How can these monks receive *acceka-cīvara* and set them aside beyond the end of the Robe-Season", and he told the Buddha. The Buddha then convened the local Saṅgha and asked the monks responsible whether the report was true. Having been told that it was true, the Buddha admonished those monks and then established the following rule:

> *Keeping an* acceka-cīvara *beyond the end of the Robe-Season is a* nissaggiya pācittiya.

The Robe Season

The last of the four lunar months of the rainy-season (*vassa*) was the traditional time of the year when laypeople would offer robe-material and other requisites to the monks who had spent the Rains-Retreat (*vassāvāsa*) in their local monastery. In those days, the monks would often be wandering from place to place and it might only be in the Rains-Retreat, when travel was restricted, that the laypeople would get to know them well, hear their teachings regularly and thus at the end of the Rains-Retreat, out of gratitude, wish to present them with useful gifts. On the monks' part, the monsoon rains had just about ended and the roads would soon be dry and suitable for travel once again, so now was the time for replacing their old robes as part of the preparation for further wandering. Thus, the last month of the rainy-season became known as the Robe-season (*cīvara-kāla*, as in Nun's *pācittiya* 29) and also as the Robe-Giving-Period (*cīvara-dāna-samaya*, as in *pācittiya* 32, 33 and 46). It would be at this time of the year that most monks would make their robes.

When a monk who has completed the Rains-Retreat performs the *Kaṭhina* Ceremony, then the Robe-Season for him is extended up to a further four months. His Robe-Season then ends when his *Kaṭhina* Privileges end, as explained under *nissaggiya pācittiya* 1, above.

Any gift, and in particular robe-material, which is offered to the Saṅgha at a monastery during the Robe-Season may only be distributed among those monks and *sāmaṇeras* who completed the Rains-Retreat at that monastery. Such gifts are called Rains-Retreat gifts (*vassāvāsika*) and they may not be given to any visiting monk, not even to a highly venerated *Arahant*, until after the Robe-Season has ended.

The *Acceka-Cīvara*

Acceka-Cīvara, and in particular robe-material offered to the Saṅgha as a Rains-Retreat gift presented within ten days of the last day of the Rains-Retreat, the last day being the full moon day known as *Pavāraṇā*-Day. For example, if *Pavāraṇā*-Day is on October 15th, then *acceka-cīvara* is robe-material given as a Rains-Retreat gift presented at any time after the dawn of October 5th until the dawn of October 16th, being the start of the Robe-Season.

Also, to count as *acceka-cīvara*, there must be some reason why the donor can't wait until the Robe-Season begins. The Vibhaṅga gives the following examples of such reasons: the donor is about to go off on a campaign with the army; or is about to set off on a journey; or the donor becomes ill; or the donor is pregnant; or even when faith arises in a layperson to the extent that they want to offer a Rains-Retreat gift to the Saṅgha straight away.

When a monk receives such an *acceka-cīvara* on behalf of the Saṅgha he should make a note of it as a Rains-Retreat gift for the Saṅgha who will complete the Rains-Retreat in that monastery, and then put it aside until the Robe-Season. During the Robe-Season, the *acceka-cīvara*, as well as any other gifts presented to the *Saṅgha* at this time, may be distributed to those monks and *sāmaṇeras* who kept the Rains-Retreat

there. It would not be appropriate to distribute the *acceka-cīvara* before the end of the Rains-Retreat because if a monk then breaks the Rains-Retreat, for example by being outside of the monastery at dawn without the '*sattāha*' allowance, then he would have to return that robe-material as he is not then eligible to receive Rains-Retreat gifts presented to the Saṅgha.

It should be noted that when a donor offers robe-material to a particular monk before the end of the Rains-Retreat, then it may be accepted by him, but in no circumstances does this count as an *acceka-cīvara*. An *acceka-cīvara* ia a Rains-Retreat gift given to the Saṅgha at a monastery within ten days of the end of the Rains-Retreat.

The Offence of *Nissaggiya Pācittiya*

When a monk who has completed the Rains-Retreat in a monastery receives an *acceka-cīvara* as part of his share of the Rains-Retreat gifts offered in that monastery to the *Saṅgha*, then he may keep it without determining it for use as a particular requisite and without storing it under *vikappana* (see *nissaggiya pācittiya* 1 for the explanation of these terms) until the end of the Robe-Season. The same applies to other robe-material, apart from *acceka-cīvara*, which he receives during the Robe-Season. When he keeps such an *acceka-cīvara* beyond the end of the Robe-Season then he incurs a *nissaggiya pācittiya*. He is then prohibited from using that robe-material until after the offence has been resolved; should he use *acceka-cīvara* which is to be forfeited then he incurs a *dukkata*. Even when he doesn't realize that he has kept an *acceka-cīvara* beyond the end of the Robe Season, for example the Robe-Season passes because his *Kaṭhina*-Privileges lapse without him understanding it, then he incurs a *nissaggiya pācittiya* just the same. He has to forfeit the *acceka-cīvara* to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The forfeited robe-material is then returned to the offending monk, not to return it being a *dukkata*. The offending monk then has ten days in which to determine that robe-material for use as a requisite, store it away under *vikappana* or get rid of it, otherwise he will incur another *nissaggiya pācittiya*, this time under *nissaggiya pācittiya* 1.

There is no offence here when, before the end of the Robe-Season, the *acceka-cīvara* is determined for use as a requisite, stored under *vikappana*, given away, taken away 'on trust', stolen, lost, destroyed or otherwise no longer the possession of that monk.

This Rule and *Nissaggiya Pācittiya* 1

One notices, as does the Samantapāsādikā (VA 728f), that this rule adds no extra penalties to what is already stated under *nissaggiya pācittiya* 1. Once an *acceka-cīvara* is distributed to a monk it becomes the same as an 'extra cloth', *atireka-cīvara*, and he must determine it for use, store it under *vikappana* or get rid of it before the end of the Robe-Season just the same as any other *atireka-cīvara*. It seems that the purpose of this rule was first to allow Rains-Retreat gifts to be accepted just before the end of the Rains-Retreat, and then to make it clear to the monks that once *acceka-cīvara* had been distributed to them, they were to be regarded just the same a *atireka-cīvara* and thus not kept beyond the end of the Robe-Season.

The Samantapāsādikā adds another technical though interesting observation. In the example given above of *Pavāraṇā*-Day falling on October 15th, from the dawn of October 5th to the dawn on October 16th a monk may receive an *acceka-cīvara* on behalf of the Saṅgha and, once distributed, it may be kept until the end of the Robe-Season. But if a monk receives robe-material for himself on October 5th then he has to determine it for use, store it under *vikappana* or get rid of it before the start to the Robe-Season! This is because the tenth dawn after receiving that robe-material occurs on October 15th whereas the Robe-Season, and thus the time when the penalties of *nissaggiya pācittiya* 1 apply, begins on the dawn of October 16th.

NISSAGGIYA PĀCITTIYA 29

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

In the last month of the rainy-season, faithful laypeople would offer robe-material and other gifts to the monks who had completed the Rains-Retreat in their local monastery. Some of these monasteries were in the forest, beyond the protection of the nearest village. Consequently, at this time of the year, these forest monasteries became easy and profitable targets for gangs of robbers. Sometimes these thieves would even steal the robes that a monk was wearing and so the Buddha allowed a monk, who was living in a forest monastery during the last month of the rainy-season, to leave one of his robes in a nearby village for safe-keeping.

Some forest-dwelling monks, taking advantage of this allowance, each left a robe in a nearby village for more than six days. The robes, not being looked after, were lost, destroyed, burnt and chewed by rats. As a result, these monks became poorly dressed with shabby-looking robes. Other monks asked them why they were so poorly attired and when they found out the reason they became upset and complained, "How can these monks leave a robe in a village and then be separated from it longer than six days?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the monks responsible whether the report was true. Having been told that it was true, the Buddha admonished those monks and then established the following rule:

> *A monk who has completed the Rains-Retreat and is staying in a forest monastery, endangered by thieves, during the last month of the rainy-season may leave one of his three robes in a nearby village for safe-keeping, but should he then be separated from this robe for more than six days he incurs a nissaggiya pācittiya.*

The Buddha's allowance to keep a robe in the village for up to six days only applies:

1. to monks who have completed the Rains Retreat,

2. and who are staying in a forest monastery,
3. which is considered endangered because of thieves,
4. during the last month of the rainy-season.

Therefore this twenty-ninth *nissaggiya pācittiya* only applies in such circumstances too.

1. During the last month of the rainy-season, monks who have not kept the Rains-Retreat, or who are keeping the second Rains-Retreat, may not be separated from any of their three robes even for one night (*nissaggiya pācittiya* 2). So even when they are staying in a forest monastery, considered endangered by thieves, at this time, they may not take advantage of the Buddha's allowance and leave a robe in the village (VA 731).

2. A forest monastery is a monastery which is one kilometre or more distant from the nearest village. According to the Samantapāsādikā, the distance is measured from the monastic building (a *kuṭi* or a *cetiya* for example) nearest the village, following the shortest established path, to the nearest part of the village-perimeter (VA 731). When the 'monastery' consists of only one *kuṭi* then one measures the distance from that. Single, isolated houses on the way to the village, though, do not count as a 'village' (*gāma*). Thus a 'forest' monastery does not have to contain any trees! However, in the Ganges Valley of the Buddha's time, anything more than a kilometre from the nearest village would usually be in the forest, hence the term *arañña*, 'forest'.

3. Such a forest monastery is considered endangered by thieves when robbers are seen in the vicinity of the monastery, or else people who have been robbed or attacked by thieves are seen in the vicinity.

4. The allowance to keep one of the three robes in the village for up to six days applies from the dawn which ends *Pavāraṇā*-Day until the dawn which ends the rainy-season one month later (VA 731).

When the above four conditions are fulfilled, the monk may leave any one of his three robes (*ticīvara*) in the village where he goes for alms round (*gocara-gāma*). The Samantapāsādikā adds that the village where he leaves his robe should not be further than one '*gāvuta*' (about 4 km) from his monastery, because such a village is too far to go regularly for alms round (VA 731).

Having left one of his three robes in the village, he may not be 'separated' from that robe for 'more than six days'. Unfortunately, the Vibhaṅga does not define the meaning of 'separated' (*vippavasati*) or 'more than six days' (*atireka-chāratta*). However, the Samantapāsādikā understands the meaning to be just as in *nissaggiya pācittiya* 2. That is, a monk in the circumstances of this rule may be separated from the robe that he left in the village for five consecutive dawns at most, 'separated' meaning that the monk is outside the 'allowable-zone' surrounding that robe at dawn, as explained above under *nissaggiya pācittiya* 2. Having been outside the 'allowable-zone' surrounding his robe for five consecutive dawns already, he must be within the 'allowable-zone' at the next, the sixth dawn, or else he incurs a *nissaggiya pācittiya* (VA 732). In practice, this means that a monk would leave his robe in the village for

five nights and then take it back with him to the forest monastery for the sixth night before leaving it in the village again. Thus the robe would not be neglected.

When a monk doesn't realize that he has been separated from a robe left in a village for six consecutive dawns, then he incurs a *nissaggiya pācittiya* just the same. Having incurred a *nissaggiya pācittiya*, he is then prohibited from using that robe until after the offence has been resolved; should he use the robe which is to be forfeited he incurs a *dukkata*. He has to forfeit the robe to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The robe should then be given back to the offending monk, not to return it being a *dukkata*.

There is an exemption made in this rule for a monk who has been granted the 'Saṅgha's Permission'. The Samanatapāsādikā explains that this is the same 'Saṅgha's Permission' as described in *nissaggiya pācittiya* 2, and it is given to a sick monk by a formal resolution of the local Saṅgha (a Saṅghakamma) consisting of a motion and one announcement. A monk who has been granted the 'Saṅgha's Permission' is exempt from the penalties of this rule, as well as those of *nissaggiya pācittiya* 2, from the moment that he is granted the 'Saṅgha's Permission' until he recovers from that sickness (VA 732 and 651).

There is no offence under this rule when, before the sixth consecutive dawn, the robe is formally relinquished (*paccuddharaṇa*) from use as one of his three robes, or it is given away, taken away 'on trust', stolen, lost, burnt, destroyed or otherwise no longer the monk's possession. There is also no offence here when 'having been separated (from the robe) for six days, he enters the village boundary (*gāma-sīma*), stays there, then departs'. The Samantapāsādikā explains that this means, having been separated from the robe left in a village for five consecutive dawns already, he 'stays there' in the village overnight, thereby being within the 'allowable-zone' (in this case, within the village boundary) surrounding his robe at dawn. Therefore, after he departs from that village later in the morning, he may then be separated from the robe for another six days and there is no offence (VA 732).

This Rule and *Nissaggiya Pācittiya* 2

According to *nissaggiya pācittiya* 2, a monk who has completed the Rains-Retreat may be separated from any of his three robes at dawn throughout the last month of the rainy-season. However, in the case of a monk staying in a forest monastery endangered by thieves who leaves one of his three robes in a nearby village during this time, then when he is separated from this robe for six consecutive dawns, though he incurs no offence under *nissaggiya pācittiya* 2, he still incurs a *nissaggiya pācittiya* under this rule. Thus, this twenty-ninth *nissaggiya pācittiya* places a restriction, in the special circumstances of this rule, on the allowance to be separated from the three robes at dawn during the Robe-Season given in *nissaggiya pācittiya* 2.

NISSAGGIYA PĀCITTIYA 30

The Story

This incident occurred when the Buddha was residing at Sāvatthī, in the Jetavana, in Anāthapiṇḍika's monastery.

At this time, a group of lay people in Sāvatthī had invited the Saṅgha to a meal, with the intention of offering them robe-material afterwards. The group of the six monks went to those lay people and said to them, "Give us the robe-material, Sirs".

"No, Venerable Sirs," these lay people replied, "This robe-material, with a meal, is to be given to the Saṅgha as our annual offering".

"But Sirs," pleaded the group of the six monks, "The Saṅgha has many benefactors and is invited to many such meals. We, though, are depending on you, looking to you. If you don't give robe-material to us then who will? Sirs, give this robe-material to us".

Then those lay people, being pressured by the group of the six monks, gave them all the robe-material meant for the Saṅgha. Later, when the Saṅgha had finished the meal served by that group of lay people, some monks who knew that robe-material was usually offered now, but who didn't know that the group of the six monks had got hold of it all, said, "Sirs, you may now present the robe-material".

"There is no robe-material left, Venerable Sirs! The group of the six monks persuaded us to give all the robe-material to them."

Then the monks of few desires became upset and complained, "How can the group of the six monks, knowing that a gift was meant for the Saṅgha, persuade the donors to give it to them?" and they told the matter to the Buddha. The Buddha then convened the local Saṅgha and asked the group of the six monks whether the report was true. Having been told that it was true, the Buddha admonished the group of the six monks and then established the following rule:

> *When a donor intends to offer a gift to the Saṅgha, and a monk knows this, then should that monk cause the gift to be offered to him instead, he incurs a nissaggiya pācittiya.*

The offences under this rule only apply to a gift which a donor intends to offer, but which is not yet given.

A gift is any offering of material goods, even something as trifling as a toothpick.

A donor may be anyone, even a fellow monastic. For example, a monk who hears that a *Thera* has received a new alms bowl and plans to give his old alms bowl to the Saṅgha, and who then persuades the *Thera* to give the old alms bowl to him instead incurs a *nissaggiya pācittiya*.

Causing the gift to be given somewhere other than the donor had planned, i.e. 'diverting' the gift, includes all methods of persuasion, even the simple request, "Please give it to me". However, when a monk does no more than drop a hint that he would like that gift, or he merely informs the donor of his needs, then even if this results in the donor giving him that gift, he incurs no offence. For example, if the group of the six monks had merely said, "Sirs, we need robe-material", in the Story above, and those lay people had then decided by themselves to give them some of the robe-material meant for the Saṅgha, then there would be no offence.

Knowing that a gift is meant for the Saṅgha means that he hears the donor say it is to be given to the Saṅgha, or else someone tells him this.

When a donor intends to offer a gift to the Saṅgha and a monk knows this, then when that monk starts persuading the donor to present the gift to him instead, he incurs a *dukkata*. When his persuasion is successful and he receives that gift, then he incurs a *nissaggiya pācittiya*. He has to forfeit that gift to a Saṅgha, to a group of monks or to one monk, and then confess the offence. The gift should then be returned to the offending monk, not to return it being a *dukkata*. It would then seem appropriate, although this is not stated in the Vinaya, that the offending monk should then present that gift to the Saṅgha where it was originally intended.

The Vibhaṅga states that when the donor asks the monk where the gift should be given, then there is no offence for giving advice such as, "Give wherever your gift would be of use, or would be cared for, or would last long, or wherever your mind feels inspired". Thus, other advice such as, "That monastery is building a *cetiya*" or "We are in need of alms bowls" would also be appropriate, but replying with what amounts to a command, such as, "Give it to that Saṅgha", though not an offence here, is still inappropriate.

When an offering has already been given to the Saṅgha, then subsequently diverting it to oneself does not come under this rule, but would probably come under *pārājika* 2 and count as 'stealing'. It should be remembered, therefore, that a gift becomes the possession of the Saṅgha at the moment that it is received by someone on behalf of the Saṅgha, not necessarily received by a monk, and not necessarily received into the hand.

All the offences associated with this rule can be grouped in the following five categories:

1. **The *Nissaggiya Pācittiya***
   When a gift in meant for the Saṅgha, a monk knows this, and he diverts the gift to himself, then he incurs a *nissaggiya pācittiya*.

2. ***Pācittiya* 82**
   When a gift is meant for the Saṅgha, a monk knows this, and he diverts the gift to another person, then he incurs a *pācittiya*. For example, in the Origin Story of *pācittiya* 82, one of the group of the six monks, knowing that a gift was meant for the Saṅgha, caused it to be given to another member of the

group of the six monks, and each of the group of the six monks did likewise. This would now be a *pācittiya*.

3. **The Monk is Uncertain, and Incurs a *Dukkata***
   When a monk us uncertain, thinking that the gift may be for someone in particular, maybe not, and he causes that gift to be given to himself, to another person, to a Saṅgha, to a *cetiya* or to anywhere else, then he incurs a *dukkata*, no matter what the donor had intended. For example, a monk sees a layperson about to offer a gift in the monastery and thinking, "It is probably meant for the Saṅgha but maybe it isn't. Nothing has been said about this yet", he causes that gift to be given to him. This would be a *dukkata*. To be a *nissaggiya pācittiya*, the Vibhaṅga requires that the monk has heard the donor say that the gift is for the Saṅgha, or someone else tells him that the gift is for the Saṅgha.

4. **The Monk Thinks That it is Not Intended for Anyone, and There is No Offence**
   When a monk thinks that the donor has not decided yet who he wants to receive the gift, and he causes that gift to be given to himself, to another person, to a Saṅgha, to a *cetiya* or to anywhere else, then there is no offence under this rule, no matter what the donor had intended. For example, a monk sees a layperson about to offer a gift in the monastery and thinking, "I am sure that this gift is not intended for anyone in particular", he causes that gift to be given to him. There is no offence under this rule because the gift is not 'knowingly diverted', but there could be an offence under other rules (e.g. *nissaggiya pācittiya* 6, 7, 22, 26 or *pācittiya* 39)

5. **All Other Cases of Knowingly Diverting a Gift, and He Incurs a *Dukkata***
   Apart from categories 1 and 2 above, when a monk thinks that a donor intends to offer the gift to a certain person or body, and he causes the gift to be given to a different person or body, then he incurs a *dukkata*, again no matter what the donor had intended. For example, when a monk, thinking that a donor wants to give some money to the monastery, persuades the donor to give the donation to another monastery, or to an orphanage, or to some other worthy cause, then that monk incurs a *dukkata*.

   A second example: when a senior monk, thinking that a donor wants to give some honey to a junior monk, persuades the donor to offer it to the whole Saṅgha, so that the donor will get more merit, then the senior monk incurs a *dukkata*.

   A third example: when a monk's mother intends to give a jar of coffee to her son, and this monk, thinking, 'My mother wants to give the coffee to the Saṅgha', tells her to give it to him, then he still incurs a *dukkata*. The *dukkata* offence in this fifth category occurs no matter what the donor had intended.
   A fourth example: irrespective of the donor's intention, when a monk sees the donor bringing an alms bowl to offer and, thinking that the donor intends to give the bowl to him, he persuades the donor to give the alms bowl to another monk, then there is no offence.

A last example (this comes from the Samantapāsādikā where gifts meant for animals are also included under this rule): when a monk sees someone about to give food to a certain dog and says, "Don't give the food to that dog! Give it to this dog", then he incurs a *dukkata*. This last example drives home the point of this rule that *monks have no business telling donors where to give their gifts*[i].

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[i] The P.T.S. edition of the Pāli text, *Vinaya Texts*, is in error here. In the case of a monk diverting to himself a gift meant for the Saṅgha, *Vinaya Texts* (Vol. 13, page 266) states that when the monk is uncertain (*vematika*) and also when he thinks it is not meant for anyone (*apariṇata-saññī*), in both cases he incurs a *nissaggiya pācittiya*. This is inconsistent with the Vibhaṅga's factor '*jānāti*'. The Thai edition of the Pāli text gives an offence of *dukkata* for '*vematika*' and no offence for '*apariṇata-saññī*' which is surely correct. Miss I.B. Horner's *Book of the Discipline* is a translation of *Vinaya Texts* and so she repeats the mistake there also.